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**HISTORICAL NOTICE**  
**OF**  
**PENAL LAWS AGAINST ROMAN**  
**CATHOLICS,**  
**THEIR OPERATION AND RELAXATION DURING**  
**THE PAST CENTURY:**  
**OF**  
**PARTIAL MEASURES OF RELIEF IN**  
**1779, 1782, 1793, 1829.**  
**AND OF**  
**PENAL LAWS WHICH REMAIN UNREPEALED, OR HAVE BEEN**  
**RENDERED MORE STRINGENT**  
**BY THE LATEST SO-CALLED EMANCIPATION ACT.**

**BY**  
**R. R. MADDEN.**

**LONDON :**  
**THOMAS RICHARDSON AND SON,**  
**26, PATERNOSTER ROW; 9, CAPEL STREET, DUBLIN; AND DERBY.**  
**MDCCCLXV.**

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*Great fund*

TO  
THE RIGHT HONOURABLE  
WILLIAM EWART GLADSTONE, M. P.,

THIS WORK ON THE SUBJECT  
OF EXISTING DISABILITIES OF MEMBERS  
OF THE ROMAN CATHOLIC CHURCH,  
THE LAST REMNANTS OF PENAL LAWS  
THAT ARE YET TO BE REPEALED,  
IS RESPECTFULLY INSCRIBED  
BY THE AUTHOR,  
IN THE HOPE AND CONVICTION  
THAT THE  
ACCOMPLISHMENT OF THAT GREAT OBJECT  
IS RESERVED FOR THE  
FIRST ENGLISH STATESMAN OF HIS AGE,  
WHOSE EFFORTS IN BEHALF OF ENLIGHTENED MEASURES,  
AND A TOLERANT POLICY,  
WERE SO SIGNALLY DISPLAYED  
IN OPPOSITION TO THE  
ECCLESIASTICAL TITLES BILL OF  
1851.



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# HISTORICAL NOTICE

OF

## PENAL LAWS AGAINST ROMAN CATHOLICS.

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### CHAPTER I.

#### LEGISLATION AGAINST ROMAN CATHOLICS IN GENERAL, NOMINALLY DIRECTED AGAINST MEMBERS OF THE RELIGIOUS ORDERS.

Those persons who ignore, or profess to ignore, the relation in which the members of the religious orders stand, and have always stood, in respect to the laity of the Roman Catholic Church in Ireland, say they cannot understand why Irish Catholics should object, more than Italian, Spanish, and French Roman Catholics, to the suppression of the religious orders in the several European countries in which the property of monastic communities has been seized on by the state, and the members of those conventual bodies have been restricted from the exercise of their religious functions.

The members of religious communities in Ireland have always been considered identified with Catholicity, its exercise, and diffusion, and indispensable to both. We find in the 7th, 8th, 9th, and 10th centuries, that the principal countries of continental Europe, owed to Irish missionaries, who were members of religious orders, instruction, which not only confirmed the progress, but in some regions introduced the elements of civilization, of Christianity and learning. Of that fact,

we have a remarkable proof, in the estimation in which the antiquity of the church of the Irish nation was held in the Council of Constance, which first assembled in 1414.

In a recent work on "Galileo and the Inquisition," the subject of the decision of the Council has been extensively treated by the author of this work.

In the contestation in 1417, "at the Council of Constance, when the legates of Henry V. of England, and of Charles VI. of France, disputed the precedence, the preference was allowed to England, entirely on account of the antiquity of the church of Ireland. The argument on which the contest was decided, was taken from the authority of Albertus Magnus and Bartholomæus, and is in these words :—

"In the division of the world, Europe was subdivided into four great kingdoms, 1, That of Rome—2, That of Constantinople—3, That of Ireland—4, That of Spain; whence it appears that the king of England, being also king of Ireland, is one of the most ancient kings of Europe."

The antiquity referred to is of Christian civilization, and its diffusion in adjacent countries.

From the earliest period of the mission of St. Patrick we have monuments, vestiges, and ruins of abbeys, cells, and monasteries, scattered over this land of Ireland, to prove that our earliest Christian teachers and ministers of the Christian religion, were members of religious communities, bound by certain rules, and living in some respect or other analogous to that in which St. Jerome was living in Palestine, in the 4th century.

From the period of the English invasion in 1172, to the time of the first relaxation of the Penal Code in 1778, we have unquestionable proofs in history, that were it not for the members of the religious orders scattered over Ireland in those times, either of Pale Law or Penal Law savagery, the Catholic religion must have ceased to exist there. Since 1829, and down to the present time, enmity to the Catholic religion has no

longer waged war against it, with the old murderous weapons of Penal Laws; the sophistries of liberalism and blanchiments of state policy, taking the form of patronage and preferment, have been had recourse to by its adversaries. Pretensions are even set up by them to serve it against its wishes, by confining its ministrations to the secular clergy, and preventing members of religious orders from participating in the duties or emoluments of the secular clergy. So far from its being in the slightest degree derogatory to the zeal and energy of the secular Roman Catholic clergy, to state that the exercise of clerical functions, on the part of members of religious communities, is absolutely requisite in aid of the ministrations of the secular clergy, we have a positive declaration of the use, benefit, and indispensableness of the ministration of men of monastic orders in this country, in the permission accorded by the prelates to the establishment of monastic communities in the several provinces in which they exist, scattered by no means so thickly, however, over Ireland, as the requirements of the Roman Catholic laity, and the true interests of good government, of peace and order necessitate. The Roman Catholic religion, be it remembered, more than any other Christian one, by its tenets, with respect to sacraments, constantly requires services at the hands of its ministers that cannot be dispensed with. The state has taken away the funds for its own uses, the funds that formerly provided extensively for the support and maintenance of the secular Catholic clergy. To a very considerable extent the members of the religious orders supply the want of adequate ecclesiastical ministration that exists. Take that aid away, and the Roman Catholic religion could hardly subsist in Ireland. But it could not be taken away without rendering the reign of law and order in this land, one that it would be impossible to carry on. The interests of peace and property most assuredly would be jeopardized by that experiment.

What would be the result, if the various missions in the provinces, that emanate chiefly from the monastic

institutions of this metropolis, were to cease, and from this time to be discontinued? If the statistics of the constabulary were compared with those of the Roman Catholic missionaries, it would be found that wherever missions had been carried on, and multitudes of people had been converted from sinful courses, from intemperate and dissolute habits, crime against the state, and violation of its laws, had in all cases diminished, and in many ceased altogether to exist.

The Christian Brothers, though not ecclesiastics, are a religious community, bound by vows and rules. They come within the pale of that prescribed category which is so obnoxious to the bigotry of our times. All enlightened Protestant observers of their educational pursuits, their devotion to them, and their success, acknowledge these Christian Brothers are admirable instructors of youth.

Supposing that it were not only an aim, but an attainment, so to interpret the last of our Roman Catholic Relief Bills, coupled with proscription of religious orders, as to enable our rulers to put an end to the Christian Brothers and their labours, would the British government, or the authorities who preside over the Fenian organization, profit most by that result?

The Christian Brothers are bound by the vows which are essential to the religious state, and are regarded therefore by the law of this land as a monastic order. Whether strictly they come under the latter denomination, is not, I presume, to the present purpose.

Is it desirable that all the Roman Catholic children of Ireland, who are educated in the schools of the *Christian Brothers*, should be deprived of those educational advantages which are calculated to make good citizens, good subjects, good members of society?

How comes it, then, that at every period when any relaxation of the Penal Code came into existence, the outcry against the monastic orders became louder than before?

From 1778 to 1829, a period of fifty-one years, there have been four important legislative measures

repealing certain Penal Laws against Catholics, most of them coupled with provisions injurious to these orders, or connected with new express clauses of proscription against them.

It is not my intention to enter into detailed accounts of judicial murders and legalized atrocities perpetrated in Ireland by sword-made law, whether of the English Pale or of the Penal Code. But it is necessary for me to refer briefly to some very remarkable instances of legalized barbarities from the work of Mr. J. Eadwin Brown, on Laws against Catholics.

"On the cruelties committed by the Irish during the rebellion of 1641, volumes have been written; on the oppressions to which the Irish have at different times been subjected by their tyrannical and bigotted rulers, volumes might also be written. I shall merely select an instance or two as a specimen. In the reign of Edward II, we learn from Sir J. Davies, (p. 171.) that the custom of *orgies and revelry* was very prevalent, 'which,' (says he) 'consisted in taking of mansmeate, horsemeate, and money of all the inhabitants of the country, at the will and pleasure of the soldiers, who, as the phrase of Scripture is, *did eat up the people as if it were bread*, for that he had no other entertainment.' It was for a long while no crime to kill a mere Irishman, and to prevent any of the English from being murdered in mistake, we meet with several curious laws to establish a sufficient mark of distinction between the two people. The 2. Henry VI. c. 4. for instance, enacts 'that no manner man that will be taken for an Englishman, shall have no beard above his mouth, that is to say, that he have no hairs upon his upper lip, so that the said lip be once at least shaven every fortnight, or of equal growth with the neither lip. And if any man be found amongst the English contrary hereunto, that then it shall be lawful to every man to take them and their goods as Irish enemies, and to ransom them as Irish enemies.' The 5. Edward IV. c. 2. enacted 'that it shall be lawful to all manner of men, that find any thieves robbing by day or by night, or going or coming to rob, or steal, in or out, going or coming, having no faithful man of good name and fame in their company, in English apparel, upon any of the liege people of the King, that it shall be law-

*ful to take and kill those, and to cut off their heads, without any impeachment of our Sovereign Lord the King, his heirs, officers, or ministers, or of any other, and of any head so cut in the county of Meath, that the cutter of the said head and his ayders there to him, cause the said head so cut off to be brought to the portreffe of the town of Trim, and the said portreffe to put it upon a stake or spear upon the castle of Trim, and that the said portreffe shall give his writing under the common seal of the said town, testifying the bringing of the said head to him. And that it shall be lawful to the said bringer of the said head and his ayders to the same, for to destrayn and levy by their own hands, of every man having half a plough land in the said baronny, one penny, and every other man having one house and goods to the value of fourty shillings, one penny, and of every other cottier having house and smoak, one half-penny. And if the same portreffe refuse for to give the same certificate by writing, freely under his said common seal, then the said portreffe to forfeit to the said bringer of the said head ten pounds.'*

"The act immediately succeeding this singular legislative provision, which places the natives precisely on the same footing as wolves, is intituled 'An act, that the Irishmen dwelling in the counties of Dublin, Meith, Vriel, and Kildare, go apparreled like Englishmen, and wear their beards after the English maner, swear allegiance, and take English sirname; which sirname,' says the act, 'shall be of one town, as Sutton, Chester, Trym, Skryne, Corke, Kinsale; or colour, as white, blacke, browne; or art or science, as smith, or carpenter; or office, as cooke, butler; and it is enacted, 'that he and his issue shall use this name, *under pain of forfeiting of his goods, yearly, till the premisses be done to be levied two times by the year for the king's warrs.*'

"We pass, however, from these laws which, to a people particularly jealous of their national honour and strongly attached to their ancient customs, must have been peculiarly oppressive, to select a few instances of the cruelties and oppressions exercised on the natives by the English government. Leland (history of Ireland, vol. ii, p. 257,) informs us on the authority of some ancient Irish annals, to which he gives the credit of impartiality, that in the year 1594, 'A solemn peace and concord was made between the Earl of Essex and Felin O'Niel; however, at a feast wherein the earl enter-

*tained that chieftain, and at the end of their good cheer, O'Niel with his wife were seized: their friends who attended were put to the sword before their faces. Felin, together with his wife and brother, were conveyed to Dublin, where they were cut up in quarters. 'This execution,' it is added, 'gave universal discontent and horror. In like manner,' says this historian, 'these annals assure us that a few years after, the Irish chieftains of the King's and Queen's County were invited by the English to a treaty of accommodation. But, when they arrived at the place of conference, they were instantly surrounded by troops and all butchered on the spot.'*

"In the same reign Morrison also informs us, that a creature of the Lord Deputy Fitzwilliam's was sent as sheriff, who, 'harassed the country with three hundred of the very rascal and scum of the kingdom which did rob and spoil the people, ravish their wives and daughters, and make havoc of all.' The tyranny of the English sheriffs is very justly particularized by this writer as one of the causes of the subsequent rebellion of the Irish chieftains. The suppression of that rebellion (as it is called) is a tale of unmingled horror; '*No spectacle,*' says Morrison, who was at the time secretary to Lord Deputy Mountjoy, '*was more frequent than to see multitudes of these poor people (the Irish) dead with mouths all coloured green by eating nettles, docks, and all things that they could rend above the ground.*' The very commanders," observes Mr. Parnell, after quoting this passage, (apology for the Irish Catholics, p. 116) with some degree of inconsistency, '*had to hang a parcel of old women, convicted of being cannibals after they had reduced them to the necessity of becoming so. At length, (he adds) Sir Arthur Chichester was eye-witness to three children feeding upon the dead body of their mother; and some compunction seems to have arisen in the hearts of the English when they found nature thus outraged by the effect of their measures.*'"

It is not the object of this production to enter into any details of Penal Law enactments against Roman Catholics and their religion from the period of the reign of Edward V. and the accession of Elizabeth, 1558, to the close of the reign of George II. 1760. During that period of about two centuries, suffice it to say, the laws, the barbarity of which



has never been surpassed, and seldom equalled by penal proscriptive enactments of any other nation of Europe, professing to be a Christian state, were framed and administered on the principle that Roman Catholics had no civil or political existence in their own land, except by sufferance; or status recognised by the laws, except with a view to objects of a financial character. The establishment and maintenance of a Protestant ascendancy was the governing principle and pervading policy of all legislation emanating from English rule in Ireland, and exercised in the Irish Parliament.

When George II. succeeded to the throne in 1727, an Act of the 2nd year of Queen Anne, cap. 3, (1708) for the Registration of Popish Ecclesiastics and members of Monastic Orders under very severe penalties was in operation: and also for the rigorous punishment of offenders in certain cases of contravention of that Act.

A previous Act, 7th of William III. was in force against Popish Priests and members of Religious Orders. That Act of the 7th year of William III. chapter 1, ordained the banishment of all Popish Priests and Friars, and subjected all such offenders to the penalty of high treason who should return to this kingdom.

By a subsequent Act, the 2nd of Queen Anne, chapter 7, (1708) it was provided that all existing Popish Priests in Ireland should be registered, and two sureties given for their good behaviour, and that in the event of their not being registered, they should be liable to the penalty of transportation, and in the event of their returning from transportation, should be liable to the penalty of high treason, in accordance with the provision of the Act 7th of William the 3rd, chapter 1.

In January 1756 a Bill of momentous importance to the Roman Catholics of Ireland was introduced into the Irish Parliament, and after passing through committee with various amendments was ordered by the House of Lords to be printed.

The printed document is entitled, "*Heads of a Bill for a Register of Popish Priests.*" Printed by authority

(in post 8vo. 48 pages) by Abraham Bradley King, Dub. 1756.

This very important Bill (now before me) was framed with a view of utterly extirpating the members of Religious Communities in Ireland, and was looked on with extraordinary anxiety by the Catholic clergy, both Secular and Monastic, ample evidence of which fact is to be found in the "*Hibernia Dominicana*" of De Burgo, in the 17th chapter, from p. 719 to p. 725. The very copy of "the Heads of the Bill" of 1756, now in my possession, had been in the possession of De Burgo, and contains manuscript notes in his handwriting.

"A general persecution of the clergy (says De Burgo) at this time broke out. It resulted in a Bill introduced into the Upper House by James Hamilton, Viscount Limerick, now Count of Clanbrasil." The Bill was printed, which I have now before me, "*quem præ manibus habeo.*" De Burgo then proceeds to give the details of the Bill, and the proceeding in the House of Peers in the several stages. At each of these stages, we are informed, there was a friar (not in his monastic garments it need hardly be observed) present at the debates, and that friar was De Burgo. To use his own words: "*me etiam audiente qui singulis illis diebus occultus adfui.*" We may imagine with what profound attention, deep and solemn interest, that eminently gifted, devoted, and holy man listened to those proceedings, than which he tells us nothing more atrocious in cruelty and injustice was ever devised, and attempted to be carried into effect, in any country, even in Ireland, since Penal Laws were first enacted there. De Burgo adds, that by the goodness and providence of God, the formidable and reiterated efforts of Viscount Clanbrasil and his bigoted lay adherents in the House of Peers to pass this much dreaded Bill *were defeated by the untiring exertions of the Primate (Stone) and three other Protestant Archbishops, and on one occasion of sixteen Protestant prelates, and on another division of ten Protestant bishops to prevent the passing of it into law.* So that eventually the Roman Catholic clergy of

Ireland, secular and monastic, were saved from extermination by a large majority of the Protestant Hierarchy of Ireland, with the Primate at its head.

Let this fact be borne in mind by Roman Catholics.

I now refer to "The Heads of the Bill for a Register of Popish Priests," for the leading provisions of it. The preamble set forth, that by a previous Act of the 2nd of Queen Anne's Reign for Registering the Popish Clergy, that all Popish Ecclesiastics in Ireland should register their names and places of abode. And by a later act of the 4th of Queen Anne's Reign, amending the previous Act, it was enacted, if after the 4th of June, 1705, any Popish priest or priests were found in this kingdom who were not duly registered, should be liable to all the penalties of the Act then in force against any Popish priests or bishops who should exercise any spiritual jurisdiction in this kingdom. Notwithstanding which prohibition many Popish priests, regulars especially, had returned into this kingdom, and formed monastic communities, "from whence they went forth as missionaries and itinerants to confirm the deluded people in their gross superstitions."

"And whereas the experience of all former times does abundantly prove that all such persons (Friars of the several orders) have always been incendiary and avowed enemies to His Majesty's government, and to the Protestant interests of this kingdom, &c., &c., &c; and moreover, that their great numbers tend to the impoverishing of many of His Majesty's subjects of the Popish persuasion, who are forced to support and maintain them;" it is necessary it should be enacted that every Popish priest applying to be registered, should produce a certificate, signed by two or more Popish inhabitants of the parish they are to be nominated to, as to their quiet and peaceable behaviour, and the wish of said two or more persons, that such Popish priest or priests should be appointed; and further, should enter into security for them, each in the penal sum of £50 sterling, to be of good behaviour, and not to remove out of the district appointed to

him ; and moreover, that each priest so appointed shall take an oath of allegiance in the form prescribed in this bill. Nevertheless, that the Lord Lieutenant and privy council shall have the power of rescinding the appointment of any Popish priest, though registered, and of appointing any number of Popish priests they think proper, to other parishes, provided the total number in the whole kingdom does not exceed one hundred, and that all such ecclesiastics shall be secular priests.

“ Provided also that no priest so nominated or appointed, shall appear in his habit or vestments, or attempt any procession without the walls of the mass-house he belongs to, or at funerals, or on any occasion whatsoever, on pain of incurring all the penalties of Act the 9th, King William’s reign, against Popery, and against all Popish ecclesiastics in general, (including fine, imprisonment, transportation, and in case of return from transportation, the capital penalty of felony.)

“ Provided, moreover, that if any Popish priest shall cause any Protestant to recant or conform to the Popish religion, or inveigle or seduce any person from their allegiance, permission to officiate shall be withdrawn from him, and he shall be subject to all the penalties above mentioned.

“ Provided that every registered priest shall, during the divine service in his mass-house, exhort the people to pray for his gracious Majesty George the Second, his heirs, successors, and all the royal family.

“ Moreover, that every high sheriff declining to make periodical returns of all popish priests and friars, contravening aforesaid provisions, to be presented by the grand juries, shall be fined in any sum not less than £50, or more than £200 sterling.

“ Moreover, that every informer against a popish priest or friar so offending, and convicted, shall be entitled to a fine of £100, to be levied on the popish inhabitants of the place where such offender was discovered, in virtue of the act of the seventh year of William the Third, entitled ‘an act for suppressing tories, robbers, and

rapparees, and for preventing robberies, burglaries, and other heinous crimes,' &c."

There were various other provisions of this truly diabolical bill, so vexatious that, had it been enacted, and it were possible to carry it into effect, the Irish Catholic clergy in globo must have been exterminated. But fortunately the humanity of the dignitaries of the Protestant Church, including all the archbishops and the great majority of the bishops of that Church, to their great honour be it said, gave such strenuous opposition to that bill of Viscount Clanbrasil, in every stage of its progress, that it ultimately was abandoned.

But why single out this one measure of penal law proscription for this lengthened notice? Because, strange to say, all the spirit of hostility to the monastic orders that Sir Robert Peel manifested in the Relief Act of 1829, and many of the express provisions of Clanbrasil's infamous bill of 1756, against members of religious communities, were transferred by Sir Robert Peel to his so-called Emancipation Act of 1829.

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## CHAPTER II.

### PARTIAL RELAXATION OF PENAL LAWS IN 1779, 1781-2, AND 1793.

In 1778 an Act of the Irish Parliament, 17 and 18 of George III. chapter 49, entitled "An Act for the Relief of his Majesty's subjects professing the Popish Religion" was framed.

The relief accorded by this Act was, enabling Roman Catholics, on taking an oath of allegiance, to take, hold, and enjoy lands, on lease or leases for any term of years not exceeding nine hundred and ninety-nine years, or for any term of lives not exceeding four lives, or devised or transferred to them.

The Act provides that children of Popish parents

who have conformed to the Protestant religion and filed a bill against such parents prior to the passing of that Act, shall not be debarred of their right under an Act in the 2nd of Queen Anne to prevent the growth of Popery, of making] their fathers tenants for life only of their estates, and constituting themselves heirs and successors of such Popish parents. But after the passing of that Act from the 1st of November, 1778, that right should not exist.

One clause evidently was specially directed against the supposed proselytizing tendencies of members of religious communities, providing that no benefit under that Act should accrue to any person who, having been converted from the Popish to the Protestant religion, should relapse to Popery; or to any person being a Protestant who should become a Papist, or suffer a child of his under fourteen years of age to be educated in the Popish religion.\*

The next Relief Bill of 1781, the Irish Act of 21 and 22 Geo. III. ch. 24, repealed various provisions of Penal Laws affecting Roman Catholics who shall have taken the oath of allegiance, enabling them to hold, possess, and dispose of lands, as the lands of Protestants are disposed of at common law.

But no benefits of this Act are to extend to any ecclesiastic officiating in a church or chapel with a steeple or bell, or attending any funeral in a churchyard, or who exercises any religious function, except in a place of worship or private house, or who uses any symbol of ecclesiastical authority, or assumes any ecclesiastical rank or title; such offenders being still liable to all the penalties of the law. Several other provisions of a similar description are to be found in a later Relief Act of 1782.

Let us see how the so-called "Relief Act" of 1782 was viewed by a man far in advance of the political wisdom of his time. The following are extracts from a remarkable work: "A Letter from a distinguished

\* Vide Act 17 and 18 Geo. 3. ch. 49. Pub. by Grierson, 1778.

English Commoner (Edmund Burke) to a Peer of Ireland, on the Penal Laws against Irish Catholics, previous to the late Repeal of a part thereof in the Sessions of the Irish Parliament, held A.D. 1782. Dublin: Printed for Matthew Doyle, No. 196, Abbey Street, 1783."

"To look at the Bill, (says Burke) in the abstract, it is neither more or less than a renewed act of universal, unmitigated, indispensable, exceptionless, disqualification.

"One would imagine, that a bill inflicting such a multitude of incapacities, had followed on the heels of a conquest, made by a very fierce enemy, under the impression of recent animosity and resentment. No man, on reading that bill, could imagine he was reading an act of amnesty and indulgence, following a recital of the good behaviour of those who are the objects of it; which recital stood at the head of the bill, as it was first introduced; but I suppose for its incongruity with the body of the piece was afterwards omitted—this I say on memory. It however still recites the oath, and that Catholics ought to be considered as good and loyal subjects to his majesty, his crown, and government. Then follows an universal exclusion of those good and loyal subjects from every (even the lowest) office of trust and profit; from any vote at an election; from any privilege in a town corporate; from being even a free man of such corporations; from serving on grand juries; from a vote at a vestry; from having a gun in his hands, from being a barrister, attorney, or solicitor, &c., &c.

"This has surely much more the air of a Table of prescription, than an act of grace. What must we suppose the laws concerning those good subjects to have been, of which this is a relaxation?"...

"The head of exclusion from votes for members of parliament is closely connected with the former. When you cast your eye on the statute-book, you will see that no Catholic, even in the ferocious act of Queen Anne, was disabled from voting on account of his religion. The only conditions required for that privilege, were the oaths of allegiance and abjuration—both oaths relative to a civil concern. Parliament has since added another oath of the kind: and yet an house of commons adding to the securities of government in

proportion as its danger is confessedly lessened, and professing both confidence and indulgence, in effect takes away the privilege left by an act full of jealousy, and professing persecution.”...

“The laws against foreign education are clearly the very worst part of the old code. Besides your laity, you have the succession of about 4000 clergymen to provide for. These having no lucrative thing in prospect, are taken very much out of the lower orders of the people.”—pp. 10. 11. 12.

“Whilst this restraint of foreign and domestic education was part of an horrible and impious system of servitude, the members were well fitted to the body. To render men patient under a deprivation of all the rights of human nature, everything which could give them a knowledge or feeling of those rights was rationally forbidden. To render humanity fit to be insulted, it was fit that it should be degraded. But when we profess to restore men to the capacity for property, it is equally irrational and unjust to deny them the power of improving their minds as well as their fortunes. Indeed I have ever thought the prohibition of the means of improving our rational nature, to be the worst species of tyranny that the insolence and perverseness of mankind ever dared to exercise. This goes to all men, in all situations, to whom education can be denied.”...

“When we are to provide for the education of any body of men, we ought seriously to consider the particular functions they are to perform in life. A Roman Catholic clergyman is the minister of a very ritual religion; and by his profession subject to many restraints. His life is a life full of strict observances, and his duties of a laborious nature towards himself, and of the highest possible trust towards others. The duty of Confession alone is sufficient to set in the strongest light the necessity of his having an appropriated mode of education. The theological opinions and peculiar rites of our religion never can be properly taught in universities, founded for the purposes and on the principles of another, which in many points is directly opposite. If a Roman Catholic clergyman, intended for celibacy, and the functions of confession, is not strictly bred in a seminary where these things are respected, inculcated and enforced, as sacred, and not made the subject of derision and obloquy, he will be ill-fitted for the former, and the latter will be indeed in his hands a terrible instrument.”...



“The ministers of Protestant churches require a different mode of education, more liberal and more fit for the ordinary intercourse of life, and having little hold on the minds of the people by external ceremonies, and extraordinary observances, or separate habits of living, they make up the deficiency by cultivating their minds with all kinds of ornamental learning which the liberal provision made in England and Ireland for the parochial clergy, and the comparative lightness of parochial duties enables the greater part of them in some considerable degree to accomplish; to say nothing of the ample church preferments, with little or no duties annexed.”...

“This learning, which I believe to be pretty general, together with an higher situation, and more chastened by the opinion of mankind, forms a sufficient security for their morals and their sustaining their clerical character with dignity. It is not necessary to observe, that all these things are, however, collateral to their function, and that except in preaching, which may be and is supplied, and often best supplied, out of printed books, little else is necessary for a protestant minister, than to be able to read the English language, I mean for the exercise of his function, not to the security of his admission. But a popish parson in Ireland may do very well without any considerable classical erudition, or any proficiency in pure or mixed mathematics, or any knowledge of civil history; even if they should possess those acquisitions, as at first many of them do, they soon lose them in the painful course of professional and parochial duties: but they must have all the knowledge, and what is to them more important than the knowledge, the discipline necessary to those duties. All modes of education, conducted by those whose minds are cast in another mould, as I may say, and whose original ways of thinking are formed upon the reverse pattern, must be to them not only useless, but mischievous. Just as I should suppose the education in a popish ecclesiastical seminary would be ill fitted for a protestant clergyman. Here it would be much more so; as, in the case of the first, it only requires to reject: in the other little for his purpose is to be acquired.”

“All this, my lord, I know very well, will pass for nothing with those who wish that the popish clergy should be illiterate, and in a situation to produce contempt and detestation. Their minds are wholly taken up with party squabbles, and I have neither leisure nor inclination to apply any part of what

I have to say, to those who never think of religion, or of the commonwealth, in any other light, than as they tend to the prevalence of some faction in either. I speak on a supposition, that there is a disposition to take the state in the condition in which it is found, and to improve it in that state to the best advantage. Hitherto, the plan for the government of Ireland has been to sacrifice the civil prosperity of the nation to its religious improvement. But if people in power there, are at length come to entertain other ideas, they will consider the good order, decorum, virtue, and morality, of every description of men among them, as of infinitely greater importance than the struggle (for it is nothing better) to change those descriptions by means which put to hazard, objects which, in my poor opinion, are of more importance to religion and to the state, than all the polemical matter which has been agitated among men from the beginning of the world to this hour."

"On this idea, an education fitted to each order and division of men, such as they are found, will be thought an affair rather to be encouraged than discountenanced: and until institutions at home, suitable to the occasions and necessities of the people, and which are armed, as they are abroad with authority to coerce the young men to be formed in them by a strict and severe discipline,—the means they have, at present of a cheap and effectual education in other countries, should not continue to be prohibited by penalties and modes of inquisition, not fit to be mentioned to ears that are organized to the chaste sounds of equity and justice. Before I had written thus far, I heard of a scheme of giving to the Castle the patronage of the presiding members of the Catholic clergy. At first I could scarcely credit it: for I believe it is the first time that the presentation of other people's alms has been desired in any country. If the state provides a suitable maintenance and temporality for those governing members and clergy, under them, I should think the project, however improper in other respects, to be by no means unjust. But to deprive a poor people, who maintain a second set of clergy out of the miserable remains of what is left after taking and tything—to deprive them of the disposition of their own charities among their own communion, would, in my opinion, be an intolerable hardship. Never were the members of one religious sect fit to appoint the pastors to another. Those who have no regard for their welfare, reputation, nor internal quiet, will not appoint such as are proper. The Seraglio of

Constantinople is as equitable as we are, whether Catholics or Protestants : and where their own sect is concerned, full as religious. But the sport which they make of the miserable dignities of the Greek Church, the little factions of the Heteromem, to which they make them subservient, the continual sale to which they expose and re-expose the same dignity, and to which they squeeze all the inferior orders of the clergy, is (for I have had particular means of being acquainted with it) nearly equal to all the other oppressions together, exercised by the Mussulman over the unhappy members of the oriental church. It is a great deal to suppose that even the present Castle would nominate bishops of the Roman Church of Ireland with a religious regard for its welfare. Perhaps they cannot, perhaps they dare not do it.

"But suppose them as well inclined as I know that I am to do them all kind of justice, I declare I would not, if were in my power, take it on myself, I know I ought not to do it. I belong to another community, and it would be intolerable usurpation in me to affect such authority where conferred no benefit, or even if I did confer (as in some degree the Seraglio does) temporal advantages. But allow that the present Castle finds itself fit to administer the government of a Church which they solemnly forswear, as they forswear with very hard words and many evil epithets, as that as often as they qualify themselves for the power which is to give this very patronage, or to give any thing else that they desire; yet they cannot be assured that a man like the late Lord Chesterfield will not succeed to them. This man, while he was duping the credulity of papists with fine words in private, and commending their good behavior during a rebellion in Great Britain, (as it well deserved to be commended and rewarded) was capable of urging penal laws against them in a speech from the throne, and stimulating with provocatives the wearied and half-exhausted bigotry of the then Parliament of Ireland. They set to work but they were at a loss what to do; for they had already almost gone through every contrivance which could waste the vigour of their country; but, after much struggle, they produced a child of their old age, the shocking and unnatural act about marriages, which tended to finish the scheme of making the people not only two distinct parties for ever, but keeping them as two distinct species in the same land."<sup>a</sup>

<sup>a</sup> Edmund Burke's Letter to An Irish Peer. 1782.

Previously to the important Irish Relief Act of 1793, the state of Roman Catholics in Ireland was not essentially ameliorated by the very restricted measures of toleration of the preceding fourteen years.

The English Act commonly called the Toleration Act, passed in 1791, 31st of George III. chapter 32, provides that an oath of allegiance (therein stated) may be taken by Roman Catholics, and all such persons taking that oath shall be exempt from the penalties inflicted by various Acts of Elizabeth, James I., Charles I. and II., William III., Queen Anne, George I. and II. on recusants or reputed Papists, "Jesuits, seminary priests, and other such like disobedient persons," as monastic ecclesiastics are designated in the 27th of Elizabeth chap. 2.

The 3rd and 4th clauses provide that all Roman Catholics taking the oath of allegiance shall be exempt from all penalties for hearing or saying mass or performing or being present at any religious service in their places of worship, or for being a priest or member of a religious order, or for entering any such order, provided that such places of Roman Catholic worship are duly certified to the Justices of the Peace at Quarter Sessions. Provided also that such places of worship have not steeples and bells, and that such ecclesiastics shall not wear their vestments or habits out of their churches, or in a private house where not more than five persons are assembled.

This Act of the English Parliament, passed in 1791, unquestionably gave ecclesiastics, regular as well as secular, a status in the country which they had not before. The benefit conferred on the regulars was not, like the Irish Act of 1782, restricted to those of their several orders who should be in the kingdom, and duly registered at the time of the passing of the Act. The privilege of the English Act extended to all regulars from that time, who should take the Oath of Allegiance and register themselves duly.

Moreover, all persons of the Roman Catholic reli-

gion, who chose at any time to enter any Religious Order, were declared at liberty to do so.

Of all these privileges the English Roman Catholic Regulars were unquestionably deprived by the Act most falsely called one of Emancipation of 1829.

Of the various publications of Edmund Burke on the subject of the Penal Laws, that subject which he comprehended more fully than all the statesmen and political writers of his time, the ablest was: "*A Letter on the subject of the Disabilities of the Roman Catholics of Ireland, and the propriety of admitting them to the Elective Franchise, &c.*" To Sir Hercules Langarish, Bart. M.P. By the Right Hon. Edmund Burke, M.P. Dublin: 1792."

The following passages of that very remarkable production throw more light on the history and mystery of that iniquitous code, than all that ever has been written on the same subject, in the same compass.

"The declared object of the Penal Laws was to reduce the Catholic people of Ireland to a miserable populace without property, without estimation, without education. The real object was to deprive the few who in spite of those laws might hold or obtain any property amongst them of all sort of influence or authority over the rest. The framers of this Code divided the nation into two distinct bodies, without a common interest, sympathy, or connection: one of which bodies was to possess all the franchises, all the property, all the education; the others were to be drawers of water, and cutters of turf, for the privileged class and community."....."The Penal Code was a complete system, full of coherence and consistency, well digested in all its parts. It was a machine of wise and elaborate contrivances and as well fitted for the oppression, impoverishment, and degradation of a people, and the debasement in them of human nature itself, as ever proceeded from the perverted ingenuity of man."....."For a far longer period than that which here sufficed to blend the Romans with the nation of the Gauls, to which nation they were of all others the most adverse; the Protestants settled in Ireland considered themselves in no other light than that of a sort of Colonial garrison to keep the natives of Ireland in subjection to the other state of Great Britain, the whole spirit

of the English settlement in Ireland was that of the least merciful of conquerors."

"In truth the spirit of those proceedings did not commence at that era, nor was religion, of any kind their primary object. What was done, was not in the spirit of a contest between two religious factions; but between two adverse nations. The statutes of Kilkenny show, that the spirit of the Popery Laws, and some even of their actual provisions as applied between Englishry and Irishry, had existed in that harassed country before the words Protestant and Papist were heard of in the world. If we read Baron Finglas, Spenser, and Sir John Davis, we cannot miss the true genius and policy of the English government there before the revolution, as well as during the whole reign of Queen Elizabeth. Sir John Davis boasts of the benefits received by the natives, by extending to them the English law, and turning the whole kingdom into shire ground. But the appearance of things alone was changed. The original scheme was never deviated from for a single hour. Unheard of confiscations were made in the northern parts, upon grounds of plots and conspiracies, never proved upon their supposed authors. The war chicane succeeded to the war of arms and of hostile statutes; and a regular series of operations were carried on, particularly from Chichester's time, in the ordinary courts of justice, and by special commissions and inquisitions, first, under pretence of tenures, and then of titles in the crown, for the purpose of the total extirpation of the interest of the natives in their own soil—until this species of subtle ravage, being carried to the last excess of oppression and insolence under Lord Stafford, it kindled at length the flames of that rebellion, which broke out in 1641. By the issue of that war, by the turn which the Earl of Clarendon gave to things at the restoration, and by the total reduction of the kingdom of Ireland, in 1691; the ruin of the native Irish, and in a great measure too, of the first races of the English, was completely accomplished. The new English interest was settled with as solid a stability as any thing in human affairs can look for. All the Penal Laws of that unparalleled code of oppression, which were made after the last event, were manifestly the effects of national hatred and scorn towards a conquered people, whom the victors delighted to trample upon, and were not at all afraid to provoke. They were not the effect of their fears, but of their security. They who carried on this system, looked to the irresistible force of

Great Britain for their support in their acts of power. They were quite certain that no complaints of the natives would be heard on this side of the water, with any other sentiments than those of contempt and indignation. Their cries served only to augment their torture. Machines which could answer their purpose so well, must be of an excellent contrivance. Indeed, at that time in England, the double name of the complainants, Irish and Papists, (it would be hard to say, which was the most odious,) shut up the hearts of every one against them. Whilst that temper prevailed, and it prevailed in all its force to a time within our memory, every measure was pleasing and popular, just in proportion as it tended to harass and rule a set of people, who were looked upon as enemies to God and man; and indeed as a race of bigoted savages who were a disgrace to human nature itself.

“However, as the English in Ireland began to be domiciliated, they began also to recollect that they had a country. The *English interest* at first by faint and almost insensible degrees, but at length openly and avowedly, became an *independent Irish interest*; full as independent as it could ever have been, if it had continued in the persons of the native Irish; and it was maintained with more skill, and more consistency than probably it would have been in theirs. With their views, they changed their maxims, it became necessary—it was necessary to demonstrate to the whole people, that there was something at least, of a common interest combined with the independency, which was to become the object of common exertions. The mildness of government produced the first relaxation towards the Irish; the necessities, and, in part too, the temper that predominated at this great change, produced the second and the most important of these relaxations. English government and Irish legislature felt jointly the propriety of this measure. The Irish parliament and nation became independent.”\*

The most extensive Catholic Relief Measure of 1793, the Act 33 Geo. III. ch. 21, opened to Roman Catholics the professions of barrister and attorney on taking the prescribed oath of allegiance, also certain civil offices and places of trust, and enabled them to attain the rank of professors in colleges.

\* Letter to Sir Hercules Langrishe on the Penal Laws. By E. Burke, 1792.

"This Act reiterates the exclusion of Catholics from Parliament, the Privy Council, the offices of viceroy, chancellor, judge, or any high legal post, or that of sheriff or any corporate office.

The 6th clause provided that no papist should keep in his possession, or have in his hands any arms, weapons of any kind, or ammunition, unless he be already authorised by law, being seized of a freehold of £200 a year or a personal estate of £1000 or upwards : and unless from passing of present Act possessing a freehold of ten pounds a year or a personal estate of £300.

The 11th clause exempts Catholics from penalties for not attending divine worship.

The 12th clause provides that no popish priest shall celebrate marriage between two Protestants or between a Papist and a person who has been a Protestant within twelve months under a fine of £500.

But though this Act relieved Roman Catholics from many restrictions on the exercise of the observances and performance of the rites of their religion in their churches, it still continued in force all the then existing restrictions on members of the Religious Orders.

The Penal Laws to which Irish Roman Catholics were liable after the partial relaxation of the Code in 1793, are thus specified by Parnell, in his "History of the Penal Laws," published in 1808.

"As no further concessions (posterior to those of 1793) have been made to the Catholics, it may be as well to enumerate here, as in any other place, the various disabilities to which they are still liable.

"Education.—They cannot teach school, unless they take the oath of 13th and 14th Geo. III. c. 35. They cannot take Protestant scholars, or be ushers to Protestant schoolmasters, 32nd Geo. III. c. 20.

"Guardianship.—They cannot be guardians, unless they take the oaths of 13th and 14th Geo. III. c. 35. If ecclesiastics, they cannot under any circumstances, be guardians; nor can any Catholic be guardian to a child of a Protestant. 30th Geo. III. c. 29.



“**Marriage.**—If a Catholic clergyman marries a Protestant and a Catholic, the marriage is null and void, and he is liable to suffer death, 32nd Geo. III. c. 21.

“**Self-defence.**—No Catholic can keep arms unless he possesses a freehold estate of £10 per annum, or a personal estate of £300. If so qualified he must further qualify himself by taking the oaths of 13th and 14th Geo. III. c. 35, unless he has a freehold estate of £100 per annum, or a personal estate of £1000. 33rd Geo. III. c. 21.

“**Exercise of Religion.**—The Catholic clergy must take the oaths of 13th and 14th Geo. III. c. 35. and register their place of abode, age, and parish. No chapel can have a steeple or bell, no funeral can take place in any church or chapel-yard and no rites or ceremonies of the religion or habits of their order are permitted, except within their several places of worship or in private houses, 21st and 22nd Geo. III. c. 24. s. 6.

“**Property.**—The Laws of Anne are in force against all Catholics who do not take the oaths of 13th and 14th Geo. III. c. 35; and also against all Protestants who may have lapsed or become converts to the Catholic religion.

“**Franchises.**—No Catholic can hold any of the offices enumerated in s. 9. of an act here inserted. Catholics cannot sit in Parliament. They cannot vote at elections for members, without taking the oaths of the 13th and 14th Geo. III. c. 35, and of 33rd Geo. III. c. 21. They cannot vote at vestries. They cannot be barristers, attorneys, or professors of medicine on Sir P. Dunne’s foundation, with taking the oaths of 13th and 14th Geo. III. c. 35, and of 33rd Geo. III. c. 21; or even fowlers and gamekeepers.

“Catholic soldiers by the mutiny act, if they refuse to frequent the Church of England worship, when ordered to do so by their commanding officer, shall for the first offence forfeit 2d; and for the second, not only forfeit 12d, but be laid in irons for 12 hours: and by the second section, art. 5, of the articles of war, the punishment even extends to that of death.

“An Irish Catholic officer or soldier on landing in Great Britain, Jersey, or Guernsey, is immediately liable to the penalty among others, the English act, 1st Geo. I. c. 13. of forfeiting £300.

‡ “Catholics are excluded from holding the offices of

Governor, Deputy Governor, or Director of the Bank of Ireland.

"No part, scarcely, in fact, of the Penal Code is repealed, but all of it is now the law of the land, and in full force against those Catholics who have not qualified themselves for relief from its violence, by taking the oaths of 13th and 14th Geo. iii. c. 35. or who may have lapsed or become converts to the Catholic religion."\*

Such was the state of things which existed in Ireland affecting the civil and religious rights of Roman Catholics down to the year 1829.

In the "Historical Account of the Laws enacted against Catholics, both in England and Ireland," by James Baldwin Brown, of the Inner Temple, (London, 8vo. 1813,) the author concludes with a resumé of the disabilities under which Catholics still laboured at the period of the publication of his work, 1813.

That portion of Mr. Brown's work is important, for a very mistaken idea prevails in Ireland, and has been put forward, and remains uncontradicted, that, by the Irish partial Relief Act of 1793, members of the monastic orders in Ireland were relieved from the previous severe enactments against them, and that their status was recognised and legalised by that Irish statute of 1793.

I have carefully examined that Act, and I find there is not a single clause of that Act that has special reference to the members of religious orders.

What has led to this singular mistake is a passage in a speech of Sir Robert Peel at the time of the discussion of the Emancipation Act of 1829, in the debate on the 27th March, 1829, to the following effect :

"Since 1793 there was nothing in the law of Ireland to prevent the residence of Jesuits here or of other monastic orders, but the law gave Roman Catholics who took the oath of 1791, the express power to belong if he pleased to any of the monastic orders. The Act of 1791 provided that no Roman Catholic who has

\* A History of the Penal Laws against the Irish Catholics. By Henry Parnell, Esq., M.P. Dub. 1808.

'taken and subscribed the oath of allegiance shall be presented," &c. That is to say presented to a grand jury as a recusant or other Popish criminal.

Sir Robert Peel evidently referred to that English Act of 1791, for the removal of certain disabilities affecting Roman Catholics, the 31st of George III. chap. 82, which has been called the "Toleration Act." It was introduced into the English House of Commons, the 21st of February, 1791, by Mr. Mitford, subsequently Lord Redesdale, and speedily passed into law.

By its provisions all Roman Catholics taking an oath very similar to that in the Irish Act of 13 and 14 George III. chap. 35, are exempted from prosecution as recusants, for not resorting to Protestant churches, for being Papists or reputed Papists, for being educated as Papists, for hearing or saying Mass, being priests or in deacon's orders, *for entering or belonging to any ecclesiastical order, or religious community of the Roman Catholic religion*, or for being present at or observing any rite or ceremony, practice or observance of any rite, ceremony, or ministration, or assisting others therein. No place of religious worship is allowed under this Act unless it be duly certified at Quarter Sessions, nor is any minister of religion to exercise his functions there till duly registered, and that registration is recorded by the clerk of the peace.

This Act enables Catholics taking the oath to act by deputy to be approved, as by law they would themselves have been.

The Act exempts Catholic priests from being compelled to act as jurors and parish officers.

Catholics by this Act are protected in the exercise of their religion by provisions and penalties for the punishment of persons disturbing congregations or maltreating ministers of religion.

This Act renews the prohibition of former penal laws against Roman Catholic services being performed in chapels having steeples, &c.

Catholics are exempted by this Act from taking the oath of supremacy, from the liability of being removed

from London, from the necessity of taking the oaths required by previous acts to be taken by barristers, provided they take the oath prescribed by this Act.

Catholic peers are exempted by this Act from the penalties and disabilities incurred by coming into the presence of the king without signing the declaration of the 30th year of Charles II.

"This English Act of 1791 provides that no religious Order bound by monastic vows shall be permitted or established in any school, college, or academy endowed by persons professing the Roman Catholic religion. And further, that all trusts and uses then declared superstitious and unlawful, shall still continue to be so deemed."\*

Mr. Brown, at page 859, in his "Concluding Remarks," says, "I now proceed briefly to state the disabilities to which the Catholics are still subject, and the penalties on their religion which are yet unrepealed." (In 1818 these remarks were written.)

"Catholics then cannot sit in Parliament, or hold any office in or under the Government, be admitted into any corporation, or present to any benefice.

"Their priests are not allowed the celebration of their rites, but agreeably to the restrictions of the English Act 31 George III. chap. 32, and the corresponding restrictions of the Irish statute.

"Catholic school-masters cannot take Protestant scholars. The professors of this religion are prevented from making any endowment of a school or college, for the purpose of educating children in their faith. Catholic soldiers, by the annual mutiny acts, refusing to frequent the Church of England worship when ordered to do so, are liable to the penalty of one shilling, and to be laid in irons for twelve hours.

"These disabilities are common to England and Ireland; but in addition to them the Catholics of this kingdom are prevented from voting at elections for members of parliament, a privilege which those of the sister kingdom enjoy on

\* Brown's History of Penal Laws, London, 1818, p. 344.

their producing a certificate of their having taken the oaths of 13 and 14 George III. Chap. 35, and 33 George III. Chap. 21.

"In Ireland no Catholic priest under any circumstances can be guardians to any child, nor can lay Catholics be guardians to the child of a Protestant. The celebration of marriage between two Protestants, or a Protestant and a Catholic, by a Catholic Clergyman, is punishable with death.\*

"Catholics cannot there keep arms, unless they have a freehold of £10 per annum, or a personal estate of £300, nor can they vote at vestries relating to the repair of any church. The whole of the rigorous penal code, which the various acts of this reign have repealed, are still in force against all those who do not take the oath of 31 George III. Chap. 32, or 13 and 14 George III. Chap. 35, in Ireland. In the latter country the oath of 35 George III. Chap. 21, is also required to be taken by barristers, attorneys, &c, and by those who are elected professors of medicine on Sir Patrick Dunne's foundation; there also, Catholics are excluded from holding the office of governor, deputy governor, or director of the bank.

"Such is the present state of the code imposing restrictions on the Catholics, the repeal of which is sought by the petitions now laying on the tables of the two houses of Parliament."

The corresponding Irish Act (as it is called) to this English Act of 1791, was the Act passed in 1792, in the Irish Parliament, 32 George III. chap. 21. This very partial measure of relief was introduced by Sir Hercules Langarish, and being supported by Government, it met with little opposition: and we are told by Parnell in his "History of the Penal Laws," (Dublin 8vo. 1808) at p. 152, "it did not in the least degree

\* "Such at least is the language of 23 George II. Chap. 10. By a clause, however, in the 32 George III. Chap. 21. the person celebrating such marriage is subject to a penalty of £500. But as the former statute is not to this day repealed, it has been more than once decided by the late Lord Kilwarden, and other of the Irish judges, that it is still in force. Of the correctness of this decision I believe there is some doubt, as the majority of our law authorities in the construction of penal statutes contend that the infliction of a lesser punishment on the commission of any crime, is a virtual repeal of the heavier penalty." See Brown's Hist. Penal Laws, page 359.

contribute to appease the irritation which its former conduct in 1791 had so justly given rise to.

“By this Irish Act 32 Geo. iii. chap. 21, Catholics might be called to the bar, and admitted as students of King’s Inns; attorneys might take Catholic apprentices, and might educate their children Protestants; barristers might marry Catholic wives; Catholic barristers and apprentices to attorneys must nevertheless qualify themselves for the benefit of this Act by taking the oath prescribed for Catholics by the 13th and 14th of George iii. chap. 35. By this Act so much of the 9th of William iii. chap. 3, and 2nd of Anne chap. 6, as prevents Protestants from intermarrying with Papists, is repealed. But Protestants married to Catholics are not to vote at elections; and the law is not altered which makes it a capital felony for a priest to celebrate the marriage of a Protestant and a Catholic, though the very next Act in the statute book enables a Presbyterian clergyman to celebrate the marriage of a Protestant and a Presbyterian.

“By this Act also, the 7th William iii. for restraining foreign education, is repealed; and Catholics are permitted to teach school without taking out a licence from the ordinary. And so much likewise of 8th Anne, c. 3, is repealed; which enacts that no Papist shall take more than two apprentices.” \*

On referring to the Statute Book I find that the Irish Act 32 George III. chap. 21, (1792) besides conferring the several benefits previously referred to, of opening the bar to Roman Catholic barristers, of exempting attorneys from the obligation of bringing up their children in the Protestant faith, and enabling them to take Roman Catholic apprentices and clerks, repealed several penal laws. One an act of 9th of William III. chap. 3, to prevent intermarriages between Catholics and Protestants; all that part also of an act 2nd Queen Anne, chap. 6, relating to such intermarriages.

• The 11th clause of this act declares that its benefits did not extend to Protestants married to Popish wives, so as to enable them to vote at elections.

The 12th clause provided that Catholics and Protestants might intermarry, *and that clergymen of the established religion* might celebrate such marriages and be exempt from any penalty for so doing.

The 13th clause enacted that nothing in this act should be construed to authorize Protestant Dissenting ministers or Popish priests to celebrate marriage between Protestants and Catholics.

Not one provision is to be found in this act that confers any additional privilege on the regular clergy which they were not previously in possession of.

There was no other Irish legislative measure affecting Roman Catholics between the enactment in 1792, of this 32nd of George III. chap. 21, and the celebrated Relief Act of 1793, 33rd of George III. chap. 21, wherein not one clause has reference to the regular clergy of Ireland.

The status in the Kingdom of Ireland, of Roman Catholic ecclesiastics, either secular or regular, then is not altered by this Irish act of 1792. But by a previous Irish act of 1782, 21 and 22 George III. chap. 24, Popish *ecclesiastics*, provided they took the oath of allegiance prescribed by the act, 13th and 14th year of George III., and registered their names, abode and condition, duly in the register of each diocese, are discharged from penalties of former penal laws.\*

The Irish Act, 21 and 22 George III. chap. 24, [1781—1782] was mainly intended to remove the disabilities of Catholics which prevented them taking and devising lands. The 5th clause, however, materially concerned the Roman Catholic clergy, both secular and regular. This 5th clause provided that *all Catholic ecclesiastics*, clearly meaning secular and regular clergy, who shall take the oath of allegiance prescribed by that act, 13 and 14 of George III. chap. 34, and who shall register their names and usual places of abode, places of receiving their first orders, and all subsequent orders, names and particulars of persons who conferred them,

\* Parnell's History of Penal Laws, page 118.

and lodge that document with the registrar of the diocese in their places of abode, shall, after the passing of this act, be exempt from all penalties and disabilities set forth in the Act, 9th of William III. chap. 1, entitled, "An Act for banishing all Papists exercising any ecclesiastical jurisdiction, and Regulars of the Popish Clergy, out of this kingdom;" or an act, 2nd of Queen Anne, chap. 6 and 7, for Registering the Popish Clergy, or an act, 4th of Queen Anne, chap. 2, entitled, "An Act to Prevent Popish Priests from coming into this Kingdom." And two other acts of the 8th of Queen Anne, in reference to Roman Catholic ecclesiastics, provided the conditions be complied with specified in the next clauses.

In the 6th clause of the Act 21 and 22 George III., 1781—1782, those conditions are set forth—"Provided that no benefits in this act shall extend to any Regular of the Popish clergy, who shall not be in this kingdom at the time of the passing of this act, or to any Regular then in the kingdom who shall not have taken the prescribed oath of allegiance, and register himself in the required form within six months after the passing of this act, nor to any Popish ecclesiastic who shall not upon any change of abode, make a return of such change within six months."

The 9th clause provides that no benefits to be conferred by this act shall extend to any person converted from the Protestant to the Catholic faith, and declares moreover that all the penalties and disabilities now in force, according to the penal laws now in being, shall remain in full force against all Protestants so perverted.

The 10th clause provides that no benefits to be conferred by this act shall extend to any Popish ecclesiastic who shall incite or persuade a Protestant to become a Papist, but shall be subjected to the penalties of the penal laws now in force in this kingdom.

The 11th clause exempts Roman Catholics from all penalties under an act 8th of Queen Anne chap. 21, of fine and imprisonment on refusal to testify on oath



where and when he heard the Popish mass, and to declare the name of the celebrants of that rite.

A very able report on the penal laws actually in force at the beginning of 1791 was drawn up by the Honourable Simon Butler and another eminent barrister of that day, Mr. Burston, and published by the newly-formed society of "United Irishmen," then a society established for promoting parliamentary reform and Catholic emancipation. In the Introduction to that Report, which is dated January the 21st, 1792, the framers of it very clearly set forth the actual state of the law at the date above-mentioned, as respects ecclesiastics, secular, and regular.

"A Popish secular ecclesiastic, who registers himself pursuant to the Act for that purpose, and takes and subscribes the oath and declaration as prescribed by the 13th and 14th George III. chap. 35, and also a Popish *regular* ecclesiastic, if he be in the kingdom at the passing of the 21st and 22nd George III. chap. 24, and makes the oath and declaration aforesaid, and registers himself pursuant to the Act for that purpose in six months after the passing the said Act of the 21st and 22nd George III. chap. 24, are authorized to officiate, provided they do not officiate in any church or chapel with a steeple or bell, or at any funeral in any church-yard, or exercise any of the rites or ceremonies of the Popish religion, or wear the habit of their order, (save within their several places of worship, or in private houses,) or shall use any symbol or mark of ecclesiastical dignity or authority, or assume or take any ecclesiastical rank or title, or procure, incite, or persuade any Protestant to become a Papist.

"All Popish regular and secular ecclesiastics, not qualifying as above, or offending against any of the afore-mentioned provisions, and all Papists exercising ecclesiastical jurisdiction, are to be imprisoned till they be transported beyond the seas; and if they should return from exile, they will thereby be guilty of high treason, and suffer and forfeit as in case of high treason, and whoever harbours them shall for the first offence forfeit £20, for the second offence £40, and for the third offence all his lands of inheritance and freehold during his life, and all his goods and chattels."

## CHAPTER III.

*State of the Roman Catholics from the period of the Union to the end of 1828.*

*Maintenance of Protestant ascendancy principles and policy during the period Sir Arthur Wellesley, the Hon. William Westley Pole, and Sir Robert Peel filled the office of Chief Secretary, from 1807 to 1818.*

*The regime of orangeism that was permitted to dominate in every department of the state in that interval.*

In the year 1800, after the accomplishment of the Union, when the Roman Catholic prelates of Ireland were given by the Irish administration to understand that Catholic emancipation would be one of the results of the abolition of the Irish legislature, a violent attack was made on the religious orders in the British empire, in a pamphlet published in London. An answer to this truculent production, written by the celebrated Arthur O'Leary, was published in London in the shape of a pamphlet, in the latter part of 1800, from which excellent production some extracts are now laid before my readers.

The title of it is—"To the Lords Spiritual and Temporal, in the Parliament of Great Britain, the most Humble Address of the Rev. Arthur O'Leary."

"I am a Catholic Clergyman, a native of Ireland, well known in that kingdom for having inculcated loyalty to my sovereign, and subordination to the laws in the most critical times, by my writings, my sermons, and examples. For the truth of this assertion I could refer to the speeches delivered in the Irish House of Commons on a former occasion, and to the kingdom at large.

"No subject can be more important, than one which

involves the happiness of our country: none in which mistakes can be more fatal. The internal interests of Ireland, lie within a small compass; the employment of our people in useful industry, and security to individuals in the pursuit of it. On this principle it was, that our penal laws became lately a matter of consideration in our own House of Commons, and certainly no subject at present requires to be more fully discussed. One gentleman in particular distinguished himself in the debate, and pronounced the speech, now happily drawn (through your hands) from the shades of the closet.....

"I have taken the oath of allegiance to his majesty with the rest of the Catholic Clergy of Ireland. As then we are amenable to government, and fulfil our part of the covenant, we think ourselves entitled to the protection of the laws both as to our persons and honour. Our persons have been hitherto secure from insult.....

"In a recent publication (striking at the Roman Catholic religion through the sides of monks and nuns) after enlarging upon the civilization and other happy effects of the Union of Ireland with Great Britain, the author reckons, amongst others, the following remarkable one: It will entice the clergy to more constant residence, by which means the pernicious influence of the vagrant Catholic priest, who goes about selling absolutions for felonies, and all sorts of crimes, even murder itself, would be lessened, and in a great measure done away.....

"The Protestant and Catholic Clergy of Ireland have lived together for years, in the habits of freedom and friendship; when, by the laws of the country, the latter were doomed to transportation for performing their religious functions, the Clergy of the Established Church never turned informers, nor applied to members of Parliament for the purpose of swelling with new laws the enormous penal code, on account of literary disputes. It is not from each other they have anything to fear. But both have every thing to dread from the disciples of the New Philosophy, which has made a rapid progress amongst their respective flocks.....

"Many instances could I adduce, in which the peaceful voice of the priest was more effectual to quell riots and disturbances, than the thunder of the cannon could have been. In proportion as this influence is weakened in a kingdom situated as Ireland is; the spirit of insubordination and

delity will strengthen. Remove the restraints of religion, men of strong passions, irritable dispositions andperate courage. Let the influence of their priests be destroyed, they will become infidels. The kingdom will be chiefly divided between the Infidels of the south, who have no religion, and the Dissenters of the north, whose religion breathes freedom and independence on hierarchical government.....

"Let us uncatholicise France, said Mirabeau; otherwise we never establish a Republican government. It is then much safer for the state to continue the Catholic Catechism in the hands of the common people who are accustomed to it, than to expose them to the danger of having Tom Paine's *Age of Reason* substituted in its room. And his majesty will be more secure on his throne, when a Catholic Clergyman recommends him and the royal family to God, from the altar; than when a fifth monarchy man, after reading in his bible, thou shalt bind their kings in chains, and their nobles in fetters of iron, acknowledges no king but King Jesus; or, when regicides inscribe on the muzzles of their guns, 'Lord, thou wilt open my lips, and my mouth shall sing forth Thy praise.' The history of England affords but too many melancholy proofs of it.".....p. 12.

"We must speak with deference of laws which are in force while they are yet in being; but, were they once annulled, humanity would exult over their abrogation; it could say, they were unlike all other legal promulgations; not the bridle, but the spur to wickedness; tempting, not straining the most dangerous passions; encouraging, not chastizing the worst transgressions. The jurisprudence of her civilized governments knows them not; the universal instinct of nature disclaims them. Can the partial code of any community, or of the greatest nation, drown the universal voice of nature; or can volumes of parchment confront her ordinances? Divine and natural precepts say, 'Honour him who gave you being;' the popery laws of Ireland say, 'Betray and beggar him.' To knit more closely the endearing ties of private faith and of domestic security has been the favourite aim of every polished legislature: this angry code makes them the objects of scrutiny, and the prey of the informer; ransacks the economy of families, excites the interest of the son against his filial duty, converts the brother into a enemy; nay, the marriage-bed, that last asylum of repose, of

tenderness, it disturbs with perpetual apprehensions of discovery and separation."—Page 10, 11, 12, 13.

"The ancestors, my Lords, of the Catholic clergy of Ireland, had the religion which the Christian world professed, and the estates and castles of their fathers, ages before Tudors or Stuarts had ascended the British throne. From the contemporary historians of their own and of other nations, and ancient monuments, daily rescued from ruins and watery wastes, their character must be drawn; not from Hume, and similar historians, as unfaithful in their narratives with regard to Ireland, as they are infidels with regard to revelation.".....

"Amidst the various changes that happened in Europe, the descendants of those Catholics preserved their religion, which persecution contributed to rivet deeper into their minds; as, the more the wind attempted to strip the traveller of his cloak, the closer he held it. But their estates and castles they lost, rather than renounce their duty to God and their allegiance to their kings, one of whom had the base ingratitude to confirm to Cromwell's soldiers, tinged with his royal father's blood, the lands of the nobility and gentry who had fought his father's battles and his own."\*.....

"In addition to our losses under the usurpation of Cromwell, and subsequent ones at the Revolution, our most invaluable privileges were swept away at a political game of hazard, played by Whigs and Tories, under the last of the Stuarts, without the slightest provocation on our part. For the laws framed in Queen Anne's reign against the Catholics of Ireland, are of so horrid a complexion, that it was never the intention of those who devised them to have them enacted—their very cruelty was the only motive for inventing them."

"In addition to the recent threats put forth against Catholic monks and nuns nominally, virtually against the Roman Catholic religion, on the eve of an union which Irish Roman Catholics imagined was to close the penal code with the seven-fold seal of eternal silence, and at the very threshold of the temple of concord, they and their flocks are justly alarmed to see the pages of the mysterious book, in which, like that mentioned by the prophet, are written so many

\* The wills and deeds of numbers of these forfeitures are deposited in the British Museum.

lamentations and woes, unfolded by a member of the British House of Commons, for the purpose of knowing whether there be any more penal clauses wanting, in order to make up the deficiency, by enacting a new law which hereafter may affect their children and relatives. I mean, my Lords, Sir Henry Mildmay's Bill, relative to what is called monastic institutions.".....

"The legislature of '91 made this distinction in the toleration granted to the Catholics; it removed the penalties which attached to those who would enter into any ecclesiastical community of the Church of Rome, but not to extend to monastic institutions; that is to say, not to endow monasteries, or incorporate their rules, such as they are in Catholic countries, with the laws of the state, where they are never to marry nor return to the world; whereas here they are at liberty to renounce their vows when they think fit, and sue for their share of their family inheritance, not being here, as elsewhere, dead in law."

"If these ladies, (in nunneries), were ladies of pleasure, seducing youth, the gentlemen of Winchester would not give themselves the slightest concern about them. They are of the greatest use to the Catholic nobility and gentry, who send their daughters to be educated by them, on account of the strictness of their morals, their seclusion from the dissipations of the world, which affords them the more time to superintend the instruction of their scholars, and the facility of observing the spiritual exercises peculiar to the Catholic religion, such as fasts, abstinences, confessions, communications," &c.

"All former pretexts for persecution being done away, what cause is there for persecuting us now? It must be this pretended creed which fanaticism or prejudice has fathered, and which our hearts and actions disclaim. Priests selling absolutions for all sorts of crimes, and millions of Catholics deprived of their civil rights on the score of conscience buying them. For where there is no purchase there is no sale.".....

"Are we not Adam's children? Have not the Catholics the same sensations of pain and pleasure as other men? Their vices and virtues, do not they run in the same channel with those of their Protestant neighbours? Are they not animated with the same desire of glory, allured by the blandishments of pleasure, courted by the charms of riches, as

earnestly inclined to the enjoyment of ease and opulence? If perjury be their creed, if their clergy be endued with the magic power of sanctifying crime, and wafting their flocks to heaven on the wings of unrepented guilt, why do not they glide down the stream of legal liberty, instead of stemming the torrent of oppression? Why do not they qualify themselves for sitting in the senate, and giving laws to the land, in concert with their countrymen, instead of being the continual objects of penal statutes?"

"It is that they are diametrically the reverse of what they are represented. Their religion forbids them to sport with the awful name of the Divinity. They do not choose to impose on their neighbours or themselves by perjury.

I have the honour to be, your Lordship's  
Dutiful and very humble Servant,  
Arthur O'Leary.

No. 46, Halfmoon Street, Piccadilly,  
June 30, 1800."

#### POSTSCRIPT.

"It is further to be remarked, that domiciliary visits permitted to be made by magistrates, to ladies secluded from the world, must wound their feelings in the most grievous manner; but if permitted at the discretion of magistrates to be made in the night-time, they most humbly supplicate to be sent back to be slaughtered by their merciless enemies, who martyred the ladies of the Abbey of St. Dennis."

"Let not then the Church of England, or the prebendaries of Winchester, be alarmed with the number of conversions made by nuns or Catholic missionaries; we have more than enough to do in keeping our own flocks attentive to their duty. And unfortunately with regard to several of them, we can say with the prophet, 'In vain have I laboured.' Tom Paine has made more converts in the three kingdoms in three years, than the Catholic clergy will make in twenty thousand."

"It would be happy for the kingdom if we could convert all the infidels and fanatics that separate every day from the established religion, and who, if an opportunity affords, would bury it with the state in its ruins, as in Cromwell's time. In one place of worship Christ is expunged out of the creed. In another, the Father and Holy Ghost are denied, and Christ

is all, the Father and Holy Ghost are but His attributes. The Catholic priest, who believes more of the Thirty-nine Articles, than all the sectaries in England, is doomed by law to death, if he makes of a Quaker, a child of the covenant by baptism, or prevails on an infidel to pray to Christ who died for him. If the Tiber overflows its banks, if the Nile sinks below its usual level, if plague destroys, if famine devours, said Tertullian, the cry is, To the lions with the Christians.\* The Catholic is the only obnoxious being."

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In April 1807, when the formation of a new ministry of Ultra Protestant ascendancy and no Popery politics was the result of the infatuated bigotry displayed by George III., with an amount of vigour beyond the bounds of constitutional usage in his conduct towards the Grenville administration on account of their attempt to redeem the pledges given in Mr. Pitt's name, to the dignitaries of the Irish Roman Catholic Church and the aristocratic leaders of the Catholic cause in 1799 and 1800, with a view to the accomplishment of the legislative union, the Duke of Richmond was appointed Viceroy of Ireland, and Sir Arthur Wellesley chief secretary. Sir Arthur had returned from India, the first field of his military glory, in September 1800. In his civil office of chief secretary, certainly with no addition to his fame, he continued two years and a half till he resigned, when he took his final departure in command of an expedition destined for Portugal, March 12, 1809. While he held the office of chief secretary he was twice absent from Ireland on foreign service for short periods, on military service in the expedition against Copenhagen in July 1807, and again on the expedition to Portugal in October 1807.

Sir Arthur, we are told by his son, in the 5th vol. of the Supplementary Despatches, &c., of his father, entitled, "Civil Correspondence and Memoranda of Field Marshal the Duke of Wellington," (January 1860, page 14 of Preface), on entering upon the duties of his office of chief secretary, found the most onerous and im-

\* *Christianos ad leonem.*



portant of the duties assigned to him was to regulate electoral matters so in Ireland that a strong majority was to be obtained and maintained for government in both houses of parliament.

And this object was to be effected, and was attained, we are told by the son of the chief secretary, "by the exercise of patronage in the wide field afforded for its operation by the separate extensive establishments then abounding in appointments of light duties and heavy salaries."

This in plain unofficial language gives us to understand, that to assist in obtaining a strong majority in parliament for a government formed on one grand principle of resistance to all claims of Roman Catholics, was one of the main duties of the Irish government, and that the task of finding out suitable No-Popery candidates, of corrupting electors, of making the acquisition of boroughs a matter of purchase, and of negotiation with their venal patrons and proprietors, in fact, that the dirty work of bargaining and paying down the price of every seat thus secured, and of providing places and pensions for the members of aristocratic families, and for supporters who were too noble to be bought with "so much trash," as other traffickers of baser birth and position, was assigned to Sir Arthur Wellesley, the future Duke of Wellington.

One of the first acts nominally of the Irish government, virtually of Sir Arthur Wellesley, was the *rehabilitation* of the notorious firebrand, Dr. Duigenan, and the compeers of that ferocious bigot, Mr. John Gifford, the proprietor of the Dublin Journal, "*Arcades Ambos*," freely translated, both exceedingly vile and firebrand partizans of Orangeism.

The fact alone of two such men properly discouraged, disowned and discarded by a former government, being restored to places, honour, emolument, to power and influence calculated to be formidable to Roman Catholics of all grades, to be inevitably offensive and insulting to them, renders it unnecessary to enter into any lengthened details illustrative of the principles on which Ireland

was governed by the Duke of Richmond and Sir Arthur Wellesley, namely, of open and unmitigated hostility to the Roman Catholic people of Ireland, to the great majority of the inhabitants of the country. In a work that may be considered possessed of all the authority of an official one, "The Civil Correspondence and Memoranda of Field Marshal Arthur Duke of Wellington," Edited by his son the Duke of Wellington," (forming the 5th vol. of the Supplemental Despatches of his Grace,) London, Murray, 1860, Pref. p. 14, we find an important statement of the truth of which there is not the smallest doubt.

"When the Duke of Richmond, (says the noble editor of this Correspondence), assumed the position of viceroy, and Sir Arthur Wellesley undertook the duties of chief secretary, Ireland was in a very distracted condition, and was still suffering from the effects of the rebellions of 1798 and 1803. Religious animosity was then rife; the Roman Catholics were claiming the political freedom which had been promised by Mr. Pitt, as a means of reducing opposition to the legislative union in 1800, and the Protestants were unwilling to surrender their long established and much cherished ascendancy."

The Duke of Wellington goes on to say that his father, at the period of entering on the duties of chief secretary in April 1807, had one very onerous and important duty to perform, that of securing the return to parliament of members for Irish seats, who were supporters of the new government, of which the Duke of Portland, the Right Hon. Spencer Perceval, Earl Camden, Lord Castlereagh, Mr. Canning, and Lord Eldon, were the chiefs. The government were so incommoded by the violence of the opposition, that "they considered it necessary to maintain a strong majority in both houses of the legislature, and the attainment of this object was materially assisted by the exercise of patronage in the wide field afforded for its operation by the separate executive establishments of Ireland, then abounding in appointments to light duties and heavy

salaries." So the great military chief, the late conqueror of powerful princes in India, the future hero of Waterloo, and victor of Napoleon, in 1807, was employed in corrupting Irish constituencies, and packing the house of commons with political partisans by means of bribery and government influence unconstitutionally exercised. His son, though not in these words, states the fact, and there can be no doubt of the accuracy of its statement.

At the time of the discussion of the Union, the supporters of government expatiated on the corruption and venality and servility of the Irish parliament, and the purity and virtue of the English legislature.

The Irish people were assured the blessings of the British constitution were inestimable, and the first and best of them were purity and perfect freedom of the representative system and of the press.

The illustrious Sir Arthur Wellesley no sooner entered on his official duties of chief secretary than he commenced giving practical illustration of his notion of the advantages of a free press and a pure representative system. Writs having been issued for convening a new parliament the 29th of April, 1807, Sir Arthur Wellesley writes from Dublin castle April 28, 1807, to Sir Charles Jones: "Pennefeather has promised us the refusal of Cashell, but he has not stated his terms. We shall have Athlone, I believe; but we have not yet seen Judge Day. Wynne has arranged for Sligo with Canning, I dont know whether he is the secretary of state or not. Lord Portarlington is in England, and the agent who settled for that borough upon the last general election was Mr. Parnell. We have no chance with him, and it would be best to arrange the matter with Lord Portarlington. I heard here that he had sold the return for six years at the last election, and if that should be true, of course we shall not get it now. I have written to Roden, and have desired Henry to settle with Enniskillen. The former is in Scotland, the latter in London. I have desired Lord H. to send to Lord Charleville

about Carlow. Tell Henry to make me acquainted with the price of the day.

Yours, &c.,  
Arthur Wellesley."

In a letter from Sir Arthur Wellesley to Lord Londonderry, dated Dublin Castle 28th April, 1807, he says, "Long will speak to you about Lord Roden's seat. I have desired Henry to settle for Enniskillen's. I have written to Henry about a seat for myself. Of course I should wish not to pay much money for one: but it would be impossible to go over to stand for Ipswich."

In a letter from Lord Castlereagh to Sir Arthur Wellesley, dated, London, 25th April, 1807, he says: "Enniskillen told me you might recommend to his seat at Enniskillen; he will, however, expect its value; —'s seat for Dundalk may be had: as he presses his brother's claims for a bishopric, he ought not to be suffered to sell."

In a letter from Sir Arthur Wellesley to the Hon. Henry Wellesley, dated 29th April, 1807, he says: "Tell Lord Palmerston to give me his interest for Sligo, and desire his agent, Henry Stewart, to do as I order him.

I remain, &c.,  
Arthur Wellesley."

In a letter from Sir Arthur Wellesley to Lord Hawkesbury, dated, Dublin Castle, 9th May, 1807, he says—

"My dear Lord,

"If Mr. Croker will now stand, he is to have the De Clifford interest, and he has proved to me that he can carry the election. If he should not stand, Lady Downshire and Lord De Clifford have agreed to join their interests, and bring in Sir Samuel Romilly ..... Under these circumstances I have thought it advisable to encourage Mr. Croker to persevere at Downpatrick. He has promised allegiance, and all that he required was a sum of from £1,500 to £2,000 to enable him to carry on the contest, and I have, by the Duke's advice, promised to supply it.

"You know how we are situated in this country for want of money for services of this description. The whole amount of the secret service money is £5,000, the greatest part of which is paid in pensions and annual charges, for which there ought to be a more regular provision. Besides this fund, there is one arising from the savings of the Civil List, which at present amount to about £4,000 per annum. This fund properly belongs to the king's privy purse, and its amount has been invariably transmitted to Lord Cardigan. I understand that that part of it required here for secret services has been afterwards received from Lord Cardigan by one of the king's ministers, and sent over here to be applied as circumstances might require. There are secret pensions arising out of union engagements upon this fund; but the arrear due upon them is not now more than from £12,000 to £15,000, and the amount of the savings on the Civil List is at least £8,000.

"The sum which I have consented to advance for the purpose of Mr. Croker's election, must come either out of this fund or out of any fund applicable to election purposes existing in England. Indeed, I believe that at all events, it ought, in the first instance, to come from the latter, as the process is long by which we must get the money from the Civil List fund. It is wanted immediately, and I suspect that I shall be obliged to make use of my own credit in the first instance to procure it.

Ever, my dear Lord,

Yours most sincerely,  
Arthur Wellesley."

In a letter from Sir Arthur Wellesley to James Trail, Esq., dated, London, 18th March, 1808, he says—"It would be very desirable to have a person to send over to Holland and France just at the present moment, and I know nobody that would answer our purpose so well as ——— the Scotch priest.\* I wish, therefore, that you would desire him to come over to me."

\* The Scotch priest was a very remarkable man, of the name of Robertson, who was employed by the Duke of Wellington on several secret missions of a very questionable kind for a minister of religion to have been engaged on.

Letter from Sir Arthur Wellesley to Thomas Townshend, Esq.\*

"Dublin Castle, 28th Dec., 1808.

"I have received your letter of the 27th instant, and I have no objection to enter into a discussion in this manner upon its contents with a gentleman of your description.

"I assure you that I have done everything in my power to forward your brother's objects in the navy: but I am sorry to say that it is much more difficult than you appear to imagine to obtain promotion for a gentleman in his situation. I have asked for the favour solely on the ground of his merits, and the good will of the government towards you. I never considered it in the nature of a reward for any services you might have rendered to the government; and if I could have so considered it, and had so stated it, I should have increased rather than have diminished the difficulties which opposed themselves to the accomplishment of my object.

"I am concerned that you should feel any dissatisfaction upon other points. I should have imagined that a person of your discernment and experience would have been aware, from what passed in parliament in the last session, that I should propose an arrangement such as that which has been lately adopted, and of which you complain; and indeed it would have been carried into execution at a much earlier period if I had not been abroad, and if Mr. Trail had not died.

"In respect to the other subject of complaint, I assure you that it has always been my wish that everything that I could do for you should be carried into execution in the way most likely to be advantageous to you; and if you'll send Mr. Webb to me, and he will enter into details, I dare say that I shall be able to remove the inconveniences and difficulties of which you think you have to complain.

"It may however, upon a consideration of your own interests, appear to you most advantageous to discontinue that description of understanding which has subsisted between the government and you. Upon this point I can be no judge; but I can only tell you that, as I am fully aware of the advantages which the public interests have derived from the line which you have taken in the discussion of topics which have been the objects of public interest for the last two years,

\* "A gentleman connected with the Dublin Castle press."—(The Correspondent).

I shall be much concerned if you should see to your advantage in the adoption of any other line."

I have the honour to be, Sir,

Your most obedient servant,

Arthur Wellesley.

Sir Arthur Wellesley's labours in the office of chief secretary were directed mainly to the grand object of government in his time to corrupt constituencies to purchase seats for their no popery partizans. He was not unmindful, however, of managing the newspaper press in Dublin. A remarkable letter of his is to be found in the 5th vol. of the Supplemental or Civil Dispatches and Papers of the Duke of Wellington. In that letter, dated 10th of April, 1809, addressed to the under secretary, Sir Charles Saxton, Bart, there was enclosed a communication to Sir Arthur from the editor of the Freeman's Journal (Mr. Philip Whitfield Harvey,) whose name however is not given, which letter Sir Arthur refers to as having been enclosed to the under secretary, but the editor of these papers does not deem it prudent to publish. That letter I have seen, and it certainly is a very remarkable document. *Mr. Harvey therein complains that the stipend from government, which up to a late date his journal had been paid by government, had been stopped, and the character of his journal had suffered in the public estimation on account of that stipend having been <sup>with</sup>drawn.* Sir Arthur Wellesley, in reference to that complaint, writes in the following terms to Sir Charles Saxton, under date above referred to, April 10, 1809.

"My dear Sir Charles,

"I enclose a letter which I have received from the Editor of *The Freeman's Journal*, which recalls to my mind the measures which I had in contemplation in respect to newspapers in Ireland. It is quite impossible to leave them entirely to themselves; and we have probably carried our reforms in respect to publishing proclamations as far as they will go, excepting only that <sup>might</sup> perhaps strike from the list of those permitted to publish proclamations, the newspapers both in town and country which have the least exten-

sive circulation, and which depend entirely upon the money received on account of proclamations. I am one of those however who think it will be very dangerous to allow the press in Ireland to take care of itself, particularly as it has so long been in leading strings; I would therefore recommend that in proportion as you will diminish the profits of the better kind of newspapers, such as the *Correspondent* and the *Freeman's Journal*, and some others of that class, on account of proclamations, you should increase the sum they are allowed to charge on account of advertisements and other publications. It is absolutely necessary, however, to keep the charge within the sum of ten thousand pounds per annum, voted by parliament, which probably may be easily done when some newspapers will cease to publish proclamations and the whole will be reduced on that account, even though some increase should be made on account of advertisements to the accounts of some. It will also be very necessary that the account of this money should be of a description always to be produced before parliament.

Ever yours, &c.,

Arthur Wellesley.\*

The communication above referred to, of the Editor of the *Freeman's Journal*, Mr. Philip Whitfield Harvey, is a very remarkable one indeed; Sir Arthur says he enclosed it in his letter to the under secretary, but it is *not published in the civil correspondence*, edited by the present Duke of Wellington. It is extant, however, to my knowledge, and ought to have been published in conjunction with the letter of Sir Arthur.

But the next letter to the one just mentioned, transmitted by Sir Arthur to the under secretary, is a letter of the same date, 10 April, 1809, written in Portsmouth, on the eve of the Duke's departure for Portugal, written by Sir Arthur to the editor of another newspaper Government Organ. That letter is cautiously addressed—  
To R. — Esq.

It is in the following effect:—

“Sir,

“In the conversation I had with you in Dublin respect-

\* *Civil Correspondence, &c. of F. M. the Duke of Wellington, Jan. 1860, vol. 5. p. 647.*



ing your newspaper, I told you that the arrangement in regard to the publication of proclamations had been made in consequence of a discussion in Parliament, and that I could not alter it for any particular newspaper; you will be so kind as to speak to Sir Charles Saxton on the other *objects*, (sic) mentioned in your letter.”\*

I have, &c. &c.

Arthur Wellesley.”

In a letter of Sir Arthur Wellesley to Sir Charles Saxton, of the 10th April, 1809, (in relation of an alteration in the parliamentary votes in reference to secret service money payments), the under secretary of the Lord Lieutenant, in point of fact, is informed by Sir Arthur Wellesley that a new mode of corrupting the press and subsidizing it must be adopted. The Irish newspaper press, he is told, must be kept in leading-strings. “It would be very dangerous to allow the press in Ireland to take care of itself, particularly as it has so long been in leading strings.” That is the genteel way of saying, *in the pay of the government*. It was very desirable, therefore, to bribe the newspaper people in a new way, by allowing them to make surcharges for government advertisements and proclamations. But care should be taken not to exceed the new parliamentary limit of £10,000 a-year for newspaper state services; and moreover to bear in mind, “that the account of this money should be of a description always to be produced before parliament.” In common parlance, intelligible to people of plain common sense. The meaning of this passage is, the accounts are to be cooked, they are to be made “of a description always to be produced before parliament.” †

\* Civil Corresp. Ib. p. 647.

† The subornation of the Irish Press, in the mode above mentioned, is curiously illustrated by an original document in the archives of the Inland Revenue Department in the Dublin Custom House :

“*Press Payments for Quarter to Christmas 1784.*”

“Paid Timothy Dylin of the Dublin Gazette in full of his account of proclamations and advertisements published in his Gazette, and in full for money by him disbursed to other printers for publishing in their newspapers proclamations and advertisements for services of Government, £1265, 2s. 8d.”

With the publication of the two letters I have cited, respecting the subsidizing of the press, the volume terminates of "the Civil Correspondence of F. M. the Duke of Wellington," devoted to the labours in Ireland of that illustrious man, in the office of chief secretary from 1807 to 1809, inclusive.

But perhaps it may be asked, what has that subject to do with "An Historical Notice of the Operation and Relaxation of the Penal Laws?"

To such a question the reply must be, it has a great deal to do.

At the very commencement of the volume above referred to, we are informed that one of the most important duties Sir Arthur Wellesley had to perform, was to negotiate with influential persons who had the power of controlling constituencies, and with patrons and proprietors of boroughs for seats in parliament, for supporters of a government which had come into power on a successful No-Popery cry, in order to obtain and maintain a majority for that government which was pledged against any relaxation of the Penal Laws then in force, and any attempt to lessen the power, influence, and emoluments of the Established Church which was the bulwark of the constitution, that is to say, of Protestant ascendancy.

This cry was first heard in 1792. *Church of Englandism* had various other "*cromaboos*," a variety of warwhoops before this period, such as, "the Cause of God—of Truth—of True Religion—the Altar and the Throne—the Interests of the Church—the Church in danger—the Church and State for ever—the Church, the Clergy and their Rights, and no Surrender."

John Keogh, in one of his speeches on Catholic emancipation, said, alluding to the bigots of his day, "They indeed continue to talk of something which we are told, is to exclude us for ever from the constitution, and which they call 'the Protestant ascendancy,' which they assert was founded on the principle of the Revolution of 1688, though the word was never heard of till 1792."—*Annual Register*, 1793.

It was to maintain the Penal Code intact that Sir Arthur Wellesley lavished pensions, places, and preferment on the Orange candidates who were bought, and for whom venal constituencies were purchased during the term of his official career in Ireland.

It was for the same end and object, and by similar means of corruption, Sir Arthur subsidized the Dublin newspapers, and secured for the No-Popery government he was virtually, though not nominally, the head of in Ireland, the secret services of that portion of the Press which he designates, *the better kind of newspapers*. In the latter part of 1809, Sir Arthur ceased to be chief secretary. A little later, a near relative of Sir Arthur Wellesley, the Hon. William Wellesley Pole, at the close of 1809, filled the same important post of chief secretary, (with no recommendations, certainly, of an intellectual, moral, or useful kind for it, except his rank and relationship to his predecessor). One of the views of Sir Arthur Wellesley for the maintenance of "strong sound public opinion promulgated in the press in favour of the Protestant Church and the ascendancy of its supporters, and in opposition to all measures of conciliation and concession to Roman Catholics," was adopted and acted on by Mr. Wellesley Pole, with an amount and an excess of zeal that would have alarmed Sir Arthur Wellesley. He was not satisfied with acting on the recommendation of Sir Arthur, as communicated to Sir Charles Saxton in his letter of the 10th of April, 1809, *quo ad* payments of surcharged government proclamations, he brought newspapers into immediate connection with the government and the treasury, in a manner so scandalously open and unconcealed as to bring down the severest censures of the independent press, especially of the "Monthly Political Review, edited by the ablest man ever connected with the Irish press, Frederick William Conway, on the system of subornation and subsidization of newspapers on the part of the Irish administration: and eventually the attention of parliament was called to it.

The Hon. William Wellesley Pole continued to fill

the office of chief secretary till August 1813, when he was succeeded by Sir Robert Peel, who retained the office of chief secretary till October 1818. Sir Robert Peel was too able a man to commit himself in the glaringly objectionable manner that Mr. Wellesley Pole did with respect to the subsidizing of the press, and the open and avowed system of corruption pursued at the seat of government. But his policy in no respect differed from that of his predecessor in office, Sir Arthur Wellesley and the Hon. William Wellesley Pole. That policy was one of unmitigated intolerance. The grand principle of it was the maintenance of the Penal Laws, hostility to Roman Catholics, and strenuous support of the Protestant Church and the ascendancy of those belonging to it.

This view Sir Robert Peel most effectually sustained by throwing the whole weight of the power, influence, and patronage of the government into the scale of Orangeism, and giving impunity to all its outrages on Roman Catholics during the whole term of his administration of the affairs of his office of chief secretary.

It is very lamentable to have such things to record of men like Sir Arthur Wellesley and Sir Robert Peel, of intellectual powers of the highest orders. But it would be still more lamentable were they to be left unnoticed and unreprehended.

The orange regime system of government dominant in the Irish administration of the laws and the disposal of government patronage survived Sir Arthur Wellesley's connection with it in March, 1809. It survived also that of the Duke of Richmond, in August, 1813. It lasted under the powerful patronage and protection of Attorney General Saurin, throughout intervening administrations, up to the time of the appointment of the Marquis Wellesley. From his hand the regime of Orangeism in Dublin Castle, under the guise of an ardent zeal for true religion, but in reality maintained for the interest of that ascendancy which was considered the birthright of Protestants, untainted with any principles of tolera-

tion, received the first great blow and heavy discouragement it met with in December 1821.

From the period of the appointment of Marquis Wellesley to the office of viceroy, December 29, 1821, to that of the Marquis of Anglesey, (first time), March 1, 1828, to the same post, there was a manifest improvement in the condition of the Roman Catholics, and a more active and formidable agitation of the question of their emancipation, than at any former period ; and the following year, 1829, the two most formidable, able, and consistent adversaries they ever had in the Irish government, found the former chief secretary, Sir Arthur Wellesley, and another chief secretary, Sir Robert Peel, the principal secretaries of state and members of a new administration, abolishing those penal laws they had so long and successfully resisted the abrogation of.

The first speech made in the Irish parliament in 1793 by the Hon. Captain Wesley, the man who was destined thirty-six years later to be mainly instrumental in the emancipation of Roman Catholics, was in favour of a measure of relief for Catholics from penal law disabilities.

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#### CHAPTER IV,

*The views, opinions, and recommendations of Sir Arthur Wellesley in 1811, 1812, 1813, on the subject of Proscription of Members of Religious Orders in Spain and Portugal. Views of the Prince Regent in 1811, in relation to Members of Religious Orders in the Canadian Colonies. Views and opinions of Sir Robert Peel in 1829, on the subject of Catholic Emancipation. His Exposition of them on the occasion of introducing the Relief Bill. The heads of Relief Act of 1829.*

To be enabled to form an opinion of the views of the Duke of Wellington, respecting the Roman Catholic Church and the members of religious orders, bearing,

as they do, on the subject of the great measure of emancipation, which he introduced into parliament in 1829, I place before my readers some remarkable passages from the History of the Peninsular War, and from the Despatches of the Duke, edited by Gurwood.

Wellington, while engaged in 1812 in carrying on the war against the French in the Peninsula, had to snatch sufficient leisure from his military occupations to contend against and to defeat absurd and impolitic attempts on the part of his own government, as well as the governments of Portugal and Spain, to do acts that would have roused the whole clerical and lay religious feelings of those countries against their English allies. One of these projects was to seize on Church property; another was to suppress monastic orders; another was to abolish the inquisition and confiscate its property; Napier says in reference to the proposed sale of Church property:

“It was while Lord Wellington was preparing to fight a battle, (in 1812), that he had to expose the futility of relying on a loan; it was on the heights of Christoval, on the field of battle itself, that he demonstrated the absurdity of attempting to establish a Portuguese bank; it was in the trenches of Burgos that he dissected Funchal and Villiers' schemes of finance, and exposed the folly of attempting the sale of the Church property.”\*

A project had been concocted between Funchal, the Portuguese minister, and Villiers and Vansittart, on the part of England, for the revival of a former project with the addition of a mixed Anglo-Portuguese commission for the sale of the crown and Church land. “The patient industry of genius, (we are told by Napier), was never more severely taxed, than was that of Wellington in dealing with this project. He drew up an elaborate report on the subject, which he transmitted to his own government and submitted to the Portuguese authorities.”

\* History of the war in the Peninsula. By: Colonel W. F. P. Napier, C. B., vol. v. p. 388.

"This memoir," says Napier, "sent from the trenches of Burgos, quashed Funchal's projects." The English expenditure, be it remembered, for the war in Portugal that year of 1812, was one hundred millions, and the British ministers of that day, according to Napier, were so ignorant of the elementary principles of finance, as to throw upon their general, even amidst the clangor and tumult of battle, the task of exposing such fallacies. In his memoir Lord Wellington said—

"The best mode of obtaining for the state eventually the benefit of the church property, would be to prevent the monasteries and nunneries from receiving <sup>monies</sup> ~~monies~~, and thus, in the course of time, the Pope might be brought to consent to the sale of the estates, or the nation might assume possession when the ecclesiastical corporations thus became extinct. He however thought that it was no disadvantage to Spain or Portugal, that large portions of land should be held by the church. The bishops and the monks were the only proprietors who lived on their estates, and spent the revenues amongst the labourers by whom those revenues had been produced; and until the habits of the new landed proprietors changed, the transfer of the property in land from the clergy to the laymen would be a misfortune."

Wellington had not only to resist the sale of the property of the Church in Portugal, and the suppression of the religious orders, he had to resist even the abolition of the inquisition. "Meanwhile," says Napier, "the decree to abolish the inquisition, which was become the great test of political party, passed (the cortes) on the 7th of March, 1813, and the regency were ordered to have it read in the churches. The clergy of Cadiz resisted the order, and intimated their refusal through the medium of a public letter, and the regency encouraged them by removing the governor of Cadiz, Admiral Valdez, a known liberal and opponent of the inquisition, appointing in his stead General Alos, a warm advocate for that horrid institution."

"Various canons, bishops, and even an archbishop, were arrested and imprisoned for publicly declaring

opinions in favour of the inquisition. Nor amidst these broils did English influence fail to suffer; the democratic spirit advanced quickly, the Cadiz press teemed with writings intended to excite the people against the ultimate designs of the English cabinet, and every effort was made to raise a hatred of the British general and his army. These efforts were not unfounded altogether on falsehoods, and were far from being unsuccessful, because the eager desire to preserve the inquisition, displayed by Lord Wellington and his brother, though arising from military considerations, was too much in accord with the known tendency of the English cabinet's views, not to excite the suspicions of the whole liberal party."\*

In the meantime, Wellington's failure at Burgos, and retreat ~~from Burgos~~, gave a heavy blow in the Peninsula to public confidence in the power of England, a shock which nothing but the misfortunes of Napoleon in Russia could have prevented from being fatal. It is well known that Wellington in 1812 and 1813, was thwarted in his tolerant and enlightened views in the Peninsula by the Prince Regent, as he had been by that personage in England in 1829.

So early as 1811, we find that illustrious Prince of Wales, (subsequently George IV.), whose earnest wish, according to the late Chief Justice Bushe, was that all the Roman Catholics in the British empire were either damned or emancipated, taking measures to effect in the British American colonies that which was intended to be effected by legislation eighteen years later, when he was on the throne—the suppression of the religious orders by certain provisions of the Roman Catholic Relief Bill of 1829.

*“Instructions under the Sign Manual of His Royal Highness the Prince Regent, transmitted in 1811 to Lieutenant General Sir George Prevost, baronet, acting governor of Lower Canada, for the gradual suppres-*

\* Napier's History of the Peninsular War, Lond. 1836, vol. v. page 404.



*sion of Jesuits and other religious orders in that province."*

On the 22nd day of October, in the year of our Lord, 1811, his Royal Highness the Prince Regent, from Carlton House, issued, among other orders, the following secret instructions, authenticated by his Sign Manual, and directed to Lieu. Gen. Sir G. Prevost, Bart. as the acting Captain-General and Governor in Chief over the Province of Lower Canada. It is our Royal will and pleasure, &c. &c.—“You are not to allow the admission of any new Members into any of the Religious Societies, or communities of the Church of Rome, (those of women excepted,) without our express order for that purpose. Let the society of Jesus, (i.e.) the Jesuits, be suppressed and dissolved, and no longer continued as a body corporate or politic, and all their rights, possessions and property be vested in us, for such purposes as we may hereafter think proper to declare our intention to be; and let the present Members of the said Society, as established at Quebec, be allowed sufficient stipends and provisions during their natural lives.

“Let all Missionaries amongst the Indians, whether established under the authority of, or appointed by the Jesuits, or any other Ecclesiastical Authority of the Romish Church, be withdrawn, by degrees, at such time, and by such manner as shall be satisfactory to the Indians, and consistent with the public safety, and, let Protestant Missionaries be appointed in their places.

“Let all Ecclesiastical persons whatsoever, of the Church of Rome, be inhibited under pain of deprivation from influencing any persons in the making of a will; or, from tampering with them in matters of Religion. And let the Romish Priests be forbidden to inveigh in their Sermons against the Religion of the Church of England.”

The Emancipation Act of 1829 must be considered in conjunction with the speech of the Right Hon. Sir Robert Peel, delivered in the House of Commons March the 5th, 1829, (Lon. Lupton, Cornhill, 1829.)

The following extracts from that Report have important bearings on the general principle or on particular clauses of the Bill.

Mr. Peel said, "He knew it might be said there were persons who would be prepared to carry on the system of exclusion of Roman Catholics at any risk or time of war, without apprehension. He looked back to the time when bold hearts were at the head of the government. He referred to the year 1792, when Mr. Pitt was at the head of affairs. He saw in that year grand juries and other public bodies, unanimous in forwarding petitions against any concession to the Catholics—he saw the house of commons of Ireland repelling, not a resolution or a bill for their relief, but even their very petition to have their grievances considered, and by a majority of three to one. The French war broke out in 1793, and in spite of the declarations of the preceding year—in spite of the numerous petitions—in spite of the vote of the commons and the opinions of the preceding session—the session of 1793 opened with a recommendation from the throne to have the grievances of the Catholics taken into consideration. Those grievances were so considered, and a bill was almost immediately passed for the removal of many of the disabilities; but with such haste and so inconsiderately, that to this day we were reaping some of its bitter fruits; then until he saw a bolder man at the head of affairs than Mr. Pitt—until he saw a more Protestant Parliament than that of 1793, he could not think we should be safe in time of war with a government determined on continued resistance; nor could he think but at the opening of a war we might feel ourselves obliged to recede from our former declarations, and grant the prayer we had before refused, and that in a manner to which, at a more favourable opportunity, we should be unwilling to consent, to grant it too with much less security than we might obtain on such an occasion as the present.

"Well, there was another alternative to the grant of concession, which he had heard talked of—one which he trusted was extremely remote, but to which he must allude, as it had been stated by others—he meant that of civil war. From the bottom of his heart he deprecated such a course, and God forbid that the Protestant interests should ever be loaded with that responsibility. (Loud cheering from all sides.) If he thought that there was a chance of the arrival of such an event as the result of concession, he would be disposed to make great concessions to avert it. (Hear hear.) He would use the words of a man whose character entitled his senti-

ments to much weight, from the deep interest he took in the welfare of his country, and who had some experience of the horrors of civil war. He would say with Lord Falkland,—“peace, peace, peace.”

“...What would be the effect of a civil war? We had tried before. Let us read history again—Let us go back to the time when Mr. Pitt was at the head of the government, and remember the atrocities which then desolated a part of the empire....

“In the year 1798, when the civil war was brought to a close, what was the course adopted by Lord Castlereagh, Lord Cornwallis, and Mr. Pitt? Did they say—because we are now in peace, we shall resist concession?—No, on the contrary, one of the first measures proposed by those who were the successful agents in putting down the rebellion, was to urge the necessity of settling the question of concession to the Catholics; and in 1801 they all retired from office, because they found themselves unable to carry that question....

“...“It was thought most advisable that this measure should be proposed on the responsibility of his majesty’s government, and not as a compromise or a compact with any parties whatever; and that, for both its concessions and restrictions, his majesty’s government should be exclusively responsible, and that no other party should be consulted on its enactments.

“What then,” said the right honourable gent. “is the principle and basis of this measure? I answer at once, the principle is the abolition of civil distinctions and the equality of political rights. (Loud cheering.) There may be exceptions, and there may be regulations of this principle, but they will all be introduced upon special grounds. (Hear hear.) They will be exceptions from the general rule of the bill, and that general rule, I again avow, is the abolition of civil distinctions and the equality of political rights.

“He proposed to repeal the penal laws in Ireland and in England, as far as they related to real property enjoyed by Roman Catholics, and to place them on a level in that respect with his Protestant fellow countrymen....

“He proposed that the Roman Catholics should be entitled to enjoy landed property on the same terms with other Dissenters, in case of any omission on their part to take the oaths appointed by the penal laws.

"I propose by my bill, that the Roman Catholic peer, and the Roman Catholic gentleman, who shall hereafter be returned as a member to this house, shall be entitled to take their places as members both in this and the other house of parliament (Hear, hear.) I also think that it is desirable to place them entirely on the same footing with the Protestant members of the legislature. (Hear.) Having thought much and often upon this point, I am led to doubt the policy of placing any restriction upon their numbers, or upon the privileges which they are to enjoy, after they are once returned members of parliament.....

"He thought that it would be right in this stage of the proceeding, that he should read to them the oath which he proposed to substitute as the oath to be taken by every Protestant member of the legislature, and to which every Roman Catholic member would be expected to subscribe. In the first place, he was sure that it would be a great relief to the Roman Catholic, and a great satisfaction, he believed he might say, to many Protestant members, (loud cries of hear), to hear that he proposed to repeal the declaration against transubstantiation, (great cheering,) reserving that declaration for certain cases of necessity, which he should hereafter describe. (Hear, hear.) He proposed, he repeated, to repeal that declaration, as far as regarded the admission to office. That declaration against transubstantiation never was intended by its framers as a religious test. (Hear.) It was not required to be taken either by peers or by members of that house, in the reign of Queen Elizabeth; nor indeed was it taken at any of the early periods of our history, which followed close upon the separation of our Church from that of Rome. (Hear.) It was invented in the reign of Charles the Second, and was merely used as an instrument of exclusion against the Roman Catholics. It was the mode by which Roman Catholics were excluded from that and from the other house of Parliament; and when the exclusion was to be removed from the Roman Catholics, there could be no reason for allowing the test of exclusion to remain unrepealed. (Hear, hear.) He had felt when this question was agitated in the year 1813, and when Mr. Plunkett proposed to relieve Roman Catholics from the necessity of taking this declaration, he had felt, he said, that he ought to have relieved Protestant members from it also, for it would be extremely painful to any man of feeling to declare the religion of the Roman

Catholic member who followed him to the table, impious and idolatrous....

...“He proposed also to relieve the Roman Catholics from the oath of supremacy, leaving the ancient oath of supremacy to be still taken by Protestants....

“He proposed also to relieve Roman Catholics from the oath of supremacy .....He had instituted another for it,”..... (The important part of the new oath is contained in the concluding portion of the speech.)

“And I do further declare, that it is not an article of my faith, and that I do renounce, reject, and abjure the opinion, that princes excommunicated or deprived by the pope, or any authority of the See of Rome, may be deposed or murdered by their subjects, or by any person whatsoever. And I do declare, that I do not believe that the Pope of Rome, or any other foreign prince, prelate, person, state, or potentate, hath, or ought to have, any temporal, or civil jurisdiction, power, superiority, or preeminence, directly or indirectly within this realm. I do swear that I will defend, to the utmost of my power, the settlement of the property within this realm as established by the laws. And I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present church establishment, as settled by the law within this realm. And I do solemnly swear that I never will exercise any privilege to which I am or may become entitled, to disturb or weaken the Protestant religion or Protestant government in this kingdom. And I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of this oath, without any evasion, equivocation, or mental reservation whatsoever.”.....

“He also proposed to make the Roman Catholics admissible to all offices connected with the administration of justice. He had always thought that admissibility to every office connected with the administration of justice was one of the most valuable privileges which could be conferred on the general body of the Roman Catholics.”.....

“He now came to consider the propriety of admitting them to the higher civil offices of the state. He was aware of the objection which might be raised upon this point; but once having determined to admit the Roman Catholics to political power, we ought to determine the question as to his admission to civil offices. He did not think that any harm

could arise from yielding to the Roman Catholics this admission.".....

"He proceeded, in the next place, to consider the exceptions with which he proposed to accompany, as he had already told the house, the general rule of the bill. He proposed that the leading principle on which the exceptions should be founded, should be their connexion with duties or offices connected with the Established Church. (Cheers.) The only offices from which he proposed to exclude the Roman Catholics, were, those of the Lord-Lieutenant, or the Chief Governor of Ireland, and of the Lord High Chancellor, or the Keeper or the Commissioner of the great seal of Great Britain. These were the offices to which he intended to limit his exclusion by name of the Roman Catholics. He also meant to exclude Catholics from the appointments to any of the Universities or Colleges therein, or institutions upon Protestant foundations, such as Eton, Westminster, Winchester, or any ecclesiastical schools of the same kind.".....

"In former bills that had been brought forward on this subject, a power was reserved to the crown to exercise what was familiarly called and generally known by the title of the 'veto.' This provision gave the crown a right to put a negative on the appointment of Roman Catholic Bishops. A provision was also contemplated with respect to the inspection of the intercourse subsisting between the See of Rome and the Roman Catholic Church in Ireland. The 'veto' had been a subject of protracted discussion, and had excited feelings among the advocates of each side of the question, which it was unnecessary to do more than allude to.".....

"With respect to the value of this species of security, he believed on the one hand that the possession of the 'veto' would afford us little real power, and on the other hand, that if conceded, there was as little prospect or probability of its being abused. His objection to the 'veto' was, that it would be considered, and not unjustly, as the commencement of a qualified establishment with regard to the Roman Catholic Church.".....

... "We, in fact, would thus be parties to the nomination of Roman Catholic bishops, and the commencement of a qualified establishment for that Church, which, above all things, under existing circumstances, it was desirable to avoid. At once then he abandoned the idea of a veto—first,

because it afforded no rational security; and in the second place, because objections might possibly be made by the Roman Catholics towards our exercise of such a power, which objection it was not worth while to raise.

“A practice had been got up of late calculated to afford great, and he might add just offence to Protestants—he alluded to the practice of claiming and assuming, on the part of the Roman Catholic prelates, the names and titles of dignitaries belonging to the Church of England. He proposed that the episcopal titles and names made use of in the Church of England should not be assumed by members of the Roman Catholic Church. Bishops they were, and had among other privileges a right to exercise power of ordination, which was perfectly valid, and was even recognized by our own Church; but he maintained it was not seemly or necessary for them to assume the styles and titles that properly belonged to prelates of the established Church—much less publicly and ostentatiously to assume them as of late. This would be prevented in future.....

“There was another point, also with respect to which the bill that it was now the intention of government to introduce, would make a provision—he alluded to an interference with certain societies and communities which had excited great suspicion and distrust in the minds of persons in this country, and given much and well-founded offence. He referred to the extensions of orders and communities bound by monastic vows—more particularly to the introduction of that order, generally called the order of Jesuits. He did think that some provision upon the head was quite necessary. At present such societies were not interfered with, and with the existing communities he did not propose to interfere to any considerable extent. However it was tolerably manifest that we ought to know the number of these societies and who were the members of them; and with a view to obtain this information, government intended to make a provision for having the names and numbers of the individuals composing such communities registered. They also required that communities bound by monastic vows should not be extended and multiplied in this country in future, and meant to provide against the entrance into this country of a class of men, against whom other countries had set their faces; and who hitherto therefore had resorted to this :—he meant the order of Jesuits. (Hear, hear.) Other

countries had taken precautions against them, why should not we? The state of the law as now proposed to be established would at least give to every party belonging to these religious orders and communities the full enjoyment of the rights which they enjoyed at present:—it would confirm their existing privileges on a registration of their names and numbers. We had a clear right to take measures of security and precaution against the entrance of other members of these orders into the country, and against the extension of religious communities, professing no allegiance to any authority in this country, and being under the control of foreign superiors, resident, it might be, at the court of Rome. The state of the law, as it had hitherto existed on this subject in England—the expulsion of these communities from other states—their arrival here with considerable funds, which might now be applied to the foundation of endowments in this country—these circumstances had given rise to alarm and uneasiness, and were fit subjects for legislation. The bill to be introduced would take precautions against the future arrival of Jesuits, render a registration necessary of those who were here at present, and prevent the extension of communities under religious or monastic vows, which were in no way necessary to the free exercise of the Roman Catholic religion.”...

Such is the explanation given by Sir Robert Peel of his views and intentions in the several provisions of the Act of 1829—the Emancipation Act, 10th of George IV. Chapter 7, entitled: “*An Act for the relief of his majesty’s Roman Catholic subjects.*”

[13th April, 1829.]

The substance of the several Sections of this Act (40 in number) divested of the surplus terms of legal jargon, is given accurately in the following precis :

1. Sec. Provides—That various acts affecting Roman Catholics relating to Oaths and Declarations against Transubstantiation, invocation of Saints, sacrifice of the mass, shall be and are hereby repealed.

2. Sec. Provides—That Roman Catholics may sit and vote in Parliament on subscribing an oath (set forth in the



appendix to this paper) in lieu of former oaths of allegiance, supremacy and abjurations.

3. Sec. Provides—That the name of the sovereign for the time being, be used in the oath taken.

4. Sec. Provides—That no peer or person returned to serve in the House of Commons, of the Roman Catholic religion shall sit or vote in Parliament, till he has taken such oath.

5. Sec. Provides—That Roman Catholics may vote at elections and be elected Members of Parliament upon taking the oath presented by this act.

6. Sec. Provides—That oaths shall be administered to Roman Catholics in the manner, and when required to be registered, shall be registered in the same manner as heretofore.

7. Sec. Provides—That persons appointed to administer the oath of allegiance, supremacy and abjuration to persons voting at elections, shall take an oath duly to administer the aforesaid oaths.

8. Sec. Provides—That whereas by a Scotch act of Parliament 8th and 9th of William III. entitled, an act for preventing the growth of popery, a certain declaration was required to be taken, it was now enacted that such parts of that law as prescribed that declaration should be repealed, except in certain cases, that Roman Catholics should not be required to take it, and might elect members or be elected members to serve in Parliament for Scotland.

9. Sec. Provides—That no person in Holy Orders in the Roman Catholic religion shall be capable of being elected to serve in Parliament, and that the election of any such person shall be void. And if any Roman Catholic Member of Parliament, subsequently to election, shall enter into holy order, the seat of such person shall be vacated, and in both cases the penalties of 41st of George III. Chap. 63, incurred. Proof of celebration of any religious service by such person, according to the rites of the Roman Catholic Church shall be deemed prima facie evidence of being in holy orders.

10. Sec. Provides—That Roman Catholics may hold civil and military offices under his majesty, and exercise franchises or civil rights, except as after, on taking oath prescribed, instead of those of allegiance, supremacy, and abjuration, and other oaths now required for the purpose.

11. Sec. Provides—That Roman Catholics shall not be

exempted from the necessity of taking any other oaths or declarations that are or may be required to be taken by them not here mentioned on admission into any office or place of trust.

12. Sec. Provides—That Roman Catholics shall not be enabled to hold the office of guardian or justice of the United Kingdom, or that of Regent, Lord Chancellor, Keeper, or Commissioner of the great seal, or Lord Lieutenant, or Deputy, or other chief governor of Ireland, or high commissioner to general assembly of Church of Scotland.

13. Sec. Provides—That nothing in this act shall be construed to affect or alter any of the provisions of an act, 7th of George the 4th, chap. 72, regulating levy of church-rates and parish cess, and appointment of Churchwardens and parish clerks.

14. Sec. Provides—That Roman Catholics shall be eligible to become members of lay corporations, and hold office therein, on taking the oath, and such other as now required from members of same, upon taking the oath herein prescribed.

15. Sec. Provides—That Roman Catholics shall not be enabled or authorized to vote in any lay corporate body, or interfere in Ecclesiastical appointments in the Established Church appertaining to or connected with such appointments.

16. Sec. Provides—That nothing in this act shall be construed to extend to offices in the Established Church, ecclesiastical courts or establishments, universities, colleges, or schools, nor presentations to benefices.

17. Sec. Provides—That no Roman Catholic shall advise the crown, Lord Lieutenant, &c., in the disposal of offices in the Established Church; or guilty of misdemeanour, and disabled from holding office. S. 18. Act not to affect 7 G. 4. c. 72, as to churchwardens.

18. Sec. Further provides—That no Roman Catholic shall present to any ecclesiastical benefices, or office in the gift of the Crown, and that any right to such presentations held by Roman Catholics, shall devolve on the Archbishop of Canterbury for the time being.

19 Sec. Provides—That Roman Catholics shall take the oath herein prescribed on appointment to municipal office or to that of provost, recorder, magistrate, or other office of trust in any city, borough, &c., within one month before such appointment, or before two justices of peace, and such

oath or oaths shall be preserved among the records of the city, borough, or corporation aforesaid.

20. Sec. Provides—That Roman Catholics taking oaths on appointment to offices under the crown, shall do so in the manner prescribed in this section.

21. Sec. Prescribes the penalty to be inflicted on Roman Catholics who shall act in any office of trust as before specified or under the Crown without taking the oath directed, of £200, to be paid to the Crown, and office of such person to be vacated.

22. Sec. Provides—That the oath for Roman Catholics shall be taken by officers in the army and navy of the Roman Catholic religion, at the same time and in the same manner as the oaths and declarations then required by law are directed to be taken.

23. Sec. Provides—That no other oaths shall be required to be taken by Roman Catholics to enable them to hold any real or personal property than the oath prescribed by this act or that may be required by other subjects of his majesty, and that the former oath shall exempt Roman Catholics from the necessity of taking any other oaths or declarations.

24. Sec. Provides—That the Protestant Episcopal Church of England titles, of Archbishops, bishops, or deans of England or Ireland, shall not be assumed in the United Kingdom by unauthorized persons. Penalty £100 each offence.

25. Sec. Provides—That Roman Catholic judicial, civil, or corporate officers shall not attend with dress robes or insignia of office at any place of worship, except of the established Church. Penalty, forfeiture of office, and £100 each offence.

26. Sec. Provides—That a penalty shall be imposed on any Roman Catholic ecclesiastic, or member of religious orders or societies, exercising any Roman Catholic right, functions, or wearing dress of his order, except in houses of Roman Catholic worship or private houses. £50 each offence.

27. Sec. Provides—That nothing in this act shall affect or alter an act of 5th year of George the 4th, entitled an act to repeal an act of 9th year of William 3rd relating to in-suppressed Abbeys of convents and religious communities in Ireland.

28. Sec. Provides—That all Jesuits or other members of religious communities, in six months after act, shall deliver to Clerk of the Peace of the county a statement of his name,

residence, name of order, age, place of birth, name of superior of Order, and date of registry, in form of schedule appended to Act, to be registered and copy sent by each member so registered to chief secretary. Penalty £50 for every calendar month he shall have remained in the United Kingdom without having delivered in such notice.

29. Sec. Provides—That any Jesuit or member of a religious order, or community, or society, coming into the kingdom after the commencement of this Act shall be deemed guilty of a misdemeanour, and being convicted, shall be banished from the United Kingdom for life.

30. Sec. Provides—That any natural born subject, being a member of a religious community, who may return to this realm after the passing of this Act, shall, six months after arrival, give due notice to the Clerk of the Peace of his district, and register such notice under a penalty of £50 for each month he shall have remained in the realm unregistered.

31. Sec. Provides—That our Secretary of State or Chief Secretary, being a Protestant, may grant or revoke licenses to come into the kingdom, to members of religious orders for a period not exceeding six months, and in twenty days after its expiration or revocation, and he shall have been notified to depart the realm, he shall be held guilty of misdemeanour, and shall on conviction be banished for life.

32. Sec. Provides—That annual accounts of licenses shall be laid before parliament.

33. Sec. Provides—That the Act of receiving or admitting persons to become members of religious communities, or aiding thereunto shall be held a misdemeanour, and such offender shall be sentenced on conviction to banishment for life.

34. Sec. Provides—That any person becoming a member of a religious order may be banished by his majesty by the advice of the privy council, to any place he shall direct.

35. Sec. Provides—That any member of a religious order so sentenced or ordered, to depart from the realm, who shall not depart within 30 days of such order or sentence, such offender may be transported to any place out of the United Kingdom, as his majesty and privy council shall direct.

36. Sec. Provides—That if any member of a religious order shall remain in the realm three months after being sentenced or ordered to depart, on conviction shall be transported for life.

37. Sec. Provides—That nothing in this Act shall be construed to extend in any manner or to affect any religious order, community, or establishment of females bound by religious or monastic vows.

38. Sec. Provides—That all penalties imposed by this act shall be recoverable by information filed in the Exchequer, in the name of the King's attorney-general for England or Ireland, or for Scotland in the name of the Lord Advocate.

39. Sec. Provides—That this act may be repealed or altered in any part thereof at any time within the present session of parliament.

40th and last Sec. Provides—That this act shall take effect at the expiration of ten days from and after the passing thereof.

The Emancipation Act of 1829 left matters as they stood in 1793, after the enactment of the partial relief act of that year, in regard to the solemnization of mixed marriages.

Among the worst barbarities of Penal Law which continued to disgrace the statute book up to a recent period, and some of which still disgrace it, are the laws affecting Roman Catholic priests, who solemnized marriages between Catholics and Protestants, and the parties who contracted such marriages, as we find by Olton's "*Index to the Statutes at present in force or affecting Ireland.*" (Dub. 8vo. 1836.)

The act of 3rd of George the 1st, chapter 8, made it a capital felony, for a Roman Catholic priest to marry two Protestants or a Protestant and a Roman Catholic.

The act of 19 Geo. the 2nd, chap. 13, declared marriages between Protestants solemnized by a Roman Catholic priest void, and imposed heavy penalties on the offending priest.

The act 32 George the 3rd, chap. 21, allowed Protestants and Roman Catholics to marry;—such marriages being solemnized by Protestant clergymen, without censure or penalty being thereby incurred.

The act 33rd George the 3rd, chap. 21, did away with all penalties and disabilities for solemnizing marriages of Protestants and Roman Catholics, provided the marriage was not first solemnized by a Roman Catholic priest.

By the act 3rd and 4th of William the 4th, chapter 4, so much of the rigorous enactments against Roman Catholic priests for solemnizing mixed marriages were repealed, as those of the 6th of Ann, chap. 16, the 12th of George the 1st, chap. 3, the 23rd of George the 2nd chapter 21, which make it

felony for Roman Catholic clergymen to celebrate marriages between Protestants, or Protestant and Roman Catholic. But this "Relief Act" of 3rd and 4th of William the 4th c. 4, was not to affect marriages prior to act, nor repeal recited acts where repealing others; nor to make valid any marriage ceremony not valid by existing laws; nor repeal enactments against marriages by degraded clergymen.

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## CHAPTER V.

### *Existing Penal Laws and Unremoved Disabilities affecting Roman Catholics.*

It is universally asserted by Protestants, and generally believed by Roman Catholics, that the Emancipation Act of 1829 left the Roman Catholics of those countries no practical grievance to complain of.

Those who made that assertion and hold that belief are egregiously mistaken.

The Relief Act of 1829 not only left Roman Catholics subject to the operation of Penal Laws which were in force when that Act was passed, but created new disabilities, or made the penalties of certain provisions of former acts that had not been repealed by the Relief Act of 1793, more severe than they were before.

These observations apply to the following grievances, of which Roman Catholics have reason to complain—grievances which the Emancipation Act of 1829 has not redressed.

1. In regard to the marriages solemnized between Roman Catholics and Protestants.

2. In regard to the Oaths that Roman Catholics are required to take, which are offensive and humiliating; and oaths imposed on Protestants, which they believe injurious to the creed of their fellow Christians who are Catholics, and know to be untrue as well as uncharitable.

3. In the Disqualification of Roman Catholics for certain offices of state.

4. In regard to the insulting and vexatious restrictions imposed on municipal authorities, and certain civil officers of the Roman Catholic religion.

5. In regard to the suppression of the religious orders in those countries, and additional rigour of the measures ordained against by the act of 1829.

6. In regard to the assumption of Episcopal Titles by Roman Catholic Prelates in these realms.

The Act, 10th George IV. chap. 7, the so-called Magna Charta of the Roman Catholics of the British empire, is entitled, "*An Act for the Relief of Her Majesty's Roman Catholic subjects.*" (April 13, 1829.) *That Act consists of forty clauses; of that number fourteen are absolutely penal.* Nearly one-third of this Magna Charta of the civil and religious liberties of the Roman Catholics of this realm, consists of provisions inflicting penalties, creating or confirming disabilities to which Roman Catholics are made subject. But there are no less than twenty-one provisions of that Act which in one respect or other confirm or enforce previous, or not till then, existing disabilities of Roman Catholics.

The 9th clause enacts that no person in holy orders in the Church of Rome shall sit in parliament. If any such person shall be elected, his election to be void. Or if any person after being elected shall become a Catholic, his election shall be void. And if any person so disqualified to sit in parliament, shall sit or vote in it, he shall be subject to the penalties and forfeitures enacted by the 41st of George III.

The 11th clause enacts that nothing in present act shall exempt Roman Catholics from the obligation of taking any oaths not previously specified in it, which are required to be taken by persons on admission to public offices of trust or profit.

The 12th clause enacts that nothing in present Act shall enable Roman Catholics to hold the offices of guardians and justices of the realm, or of Regent, or of Lord High Chancellor, or Lord Commissioner of the great seal of the kingdom, or of Lord Lieutenant, or Lord

Deputy, or High Commissioner to the General Assembly.

The 14th clause enacts that 'no persons shall be members of any lay corporate body, or vote or do any act in a municipal corporation, who have not taken the oath prescribed to be taken by Roman Catholics by the 2nd clause of present act.

The 15th clause enacts that Roman Catholics, members of corporations, shall not vote in any election, or appointment, or presentation, (in the gift of said bodies), of any person to any office or place connected with the Protestant United Church of England and Ireland, or Church of Scotland.

The 16th clause extends the former one, to offices in Protestant Cathedrals and collegiate establishments, and to colleges of Eton, Westminster, and Winchester.

The 17th clause enacts that any Protestant ecclesiastical benefices, or presentations held by Roman Catholics, shall be exercised by the Archbishop of Canterbury.

The 18th clause enacts that it shall not be lawful for Roman Catholics, directly or indirectly to advise the sovereign of these realms or guardians or regents of the kingdom, or Lord Lieutenant Deputy, or other chief governor of Ireland, or governors of Ireland in any matter concerning any office or preferment in the United Established Church of England and Ireland, or Church of Scotland. And if any person shall offend in such premises, he shall, being thereof convicted by due course of law, be deemed guilty of a high misdemeanour, and disabled for ever from holding any office, civil or military, under the crown.

The 19th clause enacts that all Roman Catholics who shall be elected or appointed to the office of mayor, provost, alderman, recorder, bailiff, town clerk, magistrate, councillor, or common councilman, or any place of trust in any magistrature, or corporation, shall, within one month, take the oath prescribed by the second clause of this Act, which oath shall be duly registered, and the registry kept among the records of said corporation.



The 21st clause enacts that Roman Catholics, entering any office or place of trust under his majesty, or any other office or franchise, not having in the manner and at the time prescribed, taken the required oath, shall forfeit the sum of £200, and that their offices or franchises shall be held void and vacant.

The 24th clause enacts that Roman Catholic ecclesiastics, shall not use or assume the right and title, name or style, of any archbishop or bishop, of any see or dean, of any deanery in England or Ireland of the Established Church, under a penalty of £100.

The 25th clause enacts that "no person holding any judicial or civil office, or that of mayor, jurat, bailiff, or other corporate officer, shall resort to or enter, or be present at any place or public meeting for religious worship in England or Ireland other than that of the United of England or Ireland, or Church of Scotland, as by law established, in the robe, gown, or other peculiar habit of his office, or attend with the ensign, or ensignia, or any part thereof, of or belonging to such an office. And the penalty of every violation of preceding enactment, for every such offence, is the forfeiture of £100."

The 26th clause enacts that no Roman Catholic ecclesiastics or members of religious orders, shall exercise any religious rites or ceremonies of the Roman Catholic religion, or even the habits of any religious order save within their usual places of worship, or in private houses, under a penalty for each such offence of the sum of £50.

The 29th clause enacts that if any Jesuit or member of a religious order of the Roman Catholic Church shall, after the passing of this Act, come into the realm of Great Britain, "he shall be deemed guilty of a misdemeanour, and being lawfully convicted thereof, shall be sentenced and ordered to be banished from the United Kingdom for the term of his natural life."

The 30th clause provides that in case any natural-born subject of this realm, being at the time of the commencement of present act a member of a religious

order, and shall be out of this realm at the commencement of this act, it shall be lawful for such person to return to this kingdom; and upon his return, within the space of six months after such return, shall deliver to the clerk of the peace of the county in which he resides a notice or statement, (setting forth his name, age, place of birth, name of order, name of superior of order, abode), to be registered under a penalty of £50 for every month he shall have remained unregistered in the United Kingdom.

The 28th clause recites that, whereas it is expedient to make provision for the gradual suppression and final suppression of Jesuits and members of other religious orders, communities, or societies of the Church of Rome, bound by monastic or religious vows within the United Kingdom:

“It is therefore enacted that every Jesuit and every member of any other religious order, community, or society of the Church of Rome, bound by monastic or religious vows, who at the time of the commencement of this Act, shall be within the United Kingdom, shall within six calendar months after the commencement of this Act, deliver to the clerk of the peace of the county or place where such person shall reside, or to his deputy, a notice or statement, in the form and containing the particulars required to be set forth in the shedule to this act annexed; which notice or statement such clerk of the peace or his deputy shall preserve and register amongst the records of such county or place, without any fee, and shall transmit a copy of such notice forthwith, to the chief secretary of the Lord Lieutenant, if in Ireland, or if in Great Britain, to one of H. B. M. principal secretaries of state; and in case any person shall offend in the premises, he shall forfeit for every calendar month during which he shall remain in the United Kingdom, without having delivered such notice as herein before required, the sum of £50.”

The 31st clause provides that notwithstanding anything in present act, it shall be lawful for any secretary of state for the time being, he being a Protestant, to grant a license signed by him, to any member of a religious order, to come into the United Kingdom and remain

therein for a period not exceeding, in any case, six months; and it shall be lawful also for any secretary of state to revoke any license, so granted, if he shall think fit. And if any person, a member of such religious order, to whom such license had been given, shall not depart from the United Kingdom within twenty days after the expiration of the license given to him, or in the event of such license being revoked, he shall be deemed guilty of a misdemeanour, and being thereof lawfully convicted, "he shall be banished from the United Kingdom for the term of his natural life."

The 82nd clause enacted, that in case any member of a religious order shall, after the commencement of this act, within any part of the United Kingdom, admit any person to become a regular ecclesiastic, or member, or brother, of a monastie order, or society; or be aiding and abetting thereunto, or shall administer any vows or engagements purporting or intending to bind the person taking the same, to the rules or regulations of any religious order or community, "every person so offending in the premises, in England or Ireland, shall be deemed guilty of a misdemeanour, and in Scotland, shall be punished by fine and imprisonment."

The 84th clause enacts that in case any person, after the commencement of this act, within any part of the United Kingdom, be admitted a member of a religious order, "he shall be deemed guilty of a misdemeanour, and being thereof lawfully convicted, shall be sentenced to be banished from the United Kingdom for life."

The 85th clause enacts that any person sentenced or ordered to be banished under the provisions of this act, who shall not depart within thirty days after such sentence or order, it shall be lawful for His Majesty to remove such person and to convey him to any place out of the kingdom His Majesty shall think proper to send such person to by the advice of the privy council.

The 86th clause enacts that if any offender who shall be sentenced or ordered under this act to be banished, shall at the end of three months be found at large in any part of the United Kingdom, without some lawful

cause, "being thereof convicted, shall be transported to such place as shall be appointed by His Majesty for the term of his natural life."

The preceding 86th clause is the last of the many clauses enacted for the suppression of religious orders, in England and Ireland, the communities of which consist of members of the male sex ; for the 87th clause of this Act of 1829, expressly declares, "that nothing herein (in this act) contained, shall extend to or be construed to extend in any manner to affect any religious order of females bound by religious or monastic vows."

In the pamphlet form reprinted report of Sir John Gray's speech on the Obnoxious Oaths and Catholic Disabilities Question, a list of the Penal Clauses in the Emancipation Act of 1829, are inserted in the Appendix, wherein twelve clauses only, creating disabilities are to be found. These include sections 12, 21, 24, 25, 26, 28, 29, 30, 33, 34, 35, and 36.

But there is one clause that creates a disability more important perhaps than any other, that has been noticed either in the list given by me or by Sir John Gray—a disability of a political nature, nominally, but virtually one that affected socially a large portion of the community in its material interests, that affected several thousands of the small holders of land of the tenant farmer class, namely, the abolition of the forty shilling freeholders.

#### OPERATION OF EXISTING PENAL LAWS AGAINST THE CIVIL RIGHTS OF MEMBERS OF A RELIGIOUS ORDER IN 1865.

I believe all the preceding details require to be clearly comprehended, to be enabled to understand the nature and extent of the unrepealed penal laws affecting Roman Catholics in England as well as Ireland, particularly those which affect members of parliament, of corporations and persons holding certain offices of state of trust and honour, in respect to oaths and those existing penal laws especially which affect members of the monastic order in both countries.

And now, more than ever, since the enactment of the very penal measure designated the Emancipation Act of

1829, when the question of the illegality of religious communities of men bound by monastic vows is proclaimed by the Lord High Chancellor of Ireland, and on that ground a solemn decision has been given in his court against the civil rights of one of those orders, it is urgently important that the public should be informed, not only of the facts of that case, but of the circumstances out of which they have arisen.

In January, 1865, Master Brooke, in his court, in his capacity of a Master of Chancery, in Dublin, gave his judgment in the case of *Simms v. Quinlan*. It was a petition to administer the assets of the late Mr. Michael John Simms, of this city, who in his will devised a sum of £500 for the maintenance of two priests of the order of St. Dominic, in Ireland, and also a legacy of £500 in trust to the Rev. Mr. Conway, of St. Mary's Dominican Church in this city. The petitioner was Mr. James Simms, brother of the testator, and residuary legatee. Master Brooke held that the society referred to, had been rendered illegal by the Catholic Emancipation Act, and that the several amounts of these legacies left to illegal societies, should revert to the petitioner.

That decision, as far as the first-named legacy, was confirmed by the master of the rolls. But when the matter was brought before the Lord High Chancellor of Ireland, he decided that both bequests were invalid, being made to members of an illegal society, or made for objects which were illegal. As all monastic institutions in this realm, and acts in aid of them, were illegal.

The following is the decision of the Irish Chancellor, in the case referred to.

#### LAW INTELLIGENCE.

##### COURT OF CHANCERY APPEAL—YESTERDAY.

(Before the Lord Chancellor and the Lord Justice of Appeal.)

IMPORTANT JUDGMENT.—*Simms v. Quinlan*.

The court gave judgment in this matter which came before them on an appeal from an order of the Master of the Rolls.

The case was argued during last Michaelmas term by the

Solicitor-General and Mr. George Waters, instructed by Mr. Thomas Lynch, on behalf of the Attorney-General representing the Crown; Messrs. S. W. Flanagan, Q. C., and John O'Hagan, instructed by Mr. John George Macarthy for the Rev. Messrs. White, Russell, and Conway; and by Serjeant Sullivan, Mr. Brewster, Q. C., and Mr. Michael F. Dwyer, instructed by Mr. J. Walsh for the petitioner, Mr. James Richard Simms. At the close of the arguments their lordships stated that as the principle involved was a serious and important one, they would take time to consider the matter.

The cause petition was presented by Mr. James Richard Simms, who sought a declaration that two bequests contained in the will of the late Michael J. Simms were null and void, as being made contrary to the policy of the Roman Catholic Relief Act, 10th Geo. IV., cap. 7. The testator had carried on an extensive business in Cork as a butter merchant, and had died possessed of considerable real and personal estate. By his will he bequeathed to the petitioner, his son, a sum of £2,000, and the residue of his property, after payment of an annuity of £200 to Mrs. Bridget Simms, his widow, and the bequests impeached in this suit. These bequests were made to members of the Dominican order, and the first was in the following words:—"I bequeath £500 to the Rev. Robert White and the Rev. Bartholomew Thomas Russell, of St. Saviour's Roman Catholic Church, Dublin, or the survivor of them, to be applied as they shall deem best for the maintenance and education of two priests of the Order of St. Dominick, in Ireland." The second bequest was made in these words:—"I bequeath £500 to the Rev. Patrick Thomas Conway, of St. Mary's Priory, Cork, Roman Catholic clergyman." The testator died on the 10th of May, 1862, and the petitioner then filed his petition for the purpose of raising the legal questions, which he contended should be decided in his favour, and prayed that the will might be established and the trusts thereof, so far as they were conformable to law and equity, carried into effect. The grounds upon which the bequest to the Rev. Messrs White and Russell were impeached as null and void were, that the legatees were members of a religious community of the Church of Rome, resident in the United Kingdom, and bound by monastic vows, and consisting of persons who either were admitted members since the 23rd of April, 1829—the day on which

the Roman Catholic Relief Act came into operation—or who, being then members, did not deliver to the clerk of the peace of the county in which they resided the notice or statement required by the statute; and that the order was an illegal society. The Rev. Messrs. White and Russell replied that it was true they were members of the Order of St. Dominick, but that they were so prior to the 23rd of April, 1829, and that in or about the month of October of that year they gave the statutable notice to the clerk of the peace; and they submitted that even if the Court should be of opinion that it would be illegal to supply the amount of the bequest for the benefit of any members of the order becoming such after the passing of the act, yet that it was competent for them to apply it for the benefit of such as were members previous to that period, or that it might be applied under a scheme to be settled by the Court, for such legal charitable purposes as would most nearly approximate to the objects specified by the testator. Touching the bequest of £500 to the Rev. Mr. Conway, no trust appeared on the will; but it transpired that the testator in his life-time had disclosed to the reverend gentleman a secret trust, namely, that the money was to be applied towards the redemption of the rent to which the Dominican Priory of St. Mary, Cork, was subject. It was contended that this devise was clearly bad, for it was made for the general benefit of the order, the members of which were liable to pay this rent. In sustainment of the bequest it was relied on that the chapel of the Priory on Pope's Quay, in the city of Cork, was a public place of worship, and as such frequented by Roman Catholics, without any restriction whatever. An order of reference having been made, the matter came before Master Brooke on charge and discharge. There was no appearance for Messrs. Quinlan and Egan, they being uninterested except as executors; nor did Mrs. Bridget Simms appear, she being interested solely to the extent of her annuity. Master Brooke eventually held that both bequests to the clergymen were invalid, as being contrary to the spirit and policy of the Act 10 George IV., cap. 7, and declared that they both fell into the residue. When the report came before the Master of the Rolls upon exceptions and merits, his Honour in an elaborate judgment, said that the testator, in leaving the sum of £500 for the education and maintenance of two priests of the order, could not be presumed to have intended that it should be applied

for the benefit of priests who must, at the date of execution of the will—15th November, 1861—have been between 50 and 60 years of age; but as there was no express provisions in the statute making a bequest in favour of persons bound by monastic vows void, he decided that the bequest in this instance, might, according to the weight of authority, be carried out *cy pres*, although in its original terms it was contrary to the policy of the law, but should be carried out under the sign-manual and not by the court. In coming to this conclusion the Master of the Rolls said—I myself entertain an opinion that the *cy pres* doctrine in charity cases is contrary to common sense, and have never been able to understand why the Court of Chancery is to make a will for a person which he did not himself make. The injustice was flagrant during the existence of the penal laws, when a bequest for the maintenance of Roman Catholic priests might be applied to the maintenance of clergymen of the Established Church. This was what judges in former days called *cy pres* and the principle was very justly commented upon by Mr. Scully in his well-known work on the penal laws. At present there is little if any injustice in the application of the principle of *cy pres*; because in this case, for example, the bequest to the Rev. Mr. White and the Rev. Mr. Russell might, on the reasonable application of the *cy pres* doctrine, be applied to the maintenance and education of two secular priests." His Honour having reviewed the authorities at considerable length, declared that the bequest to the Rev. Mr. Conway was invalid by express enactment, that it could not be carried out *cy pres*, and that it should go to feed the residue. From this decision the parties appealed. The Crown, in respect of its rights under the doctrine of *cy pres*, appealed against the decision as to the bequest to the Rev. Mr. Conway; the petitioner, as residuary legatee against the application of the *cy pres* doctrine to the bequest to the Rev. Messrs. White and Russell; those reverend gentlemen against the order, as it affected their taking under the will; the Rev. Mr. Conway on the ground that he was entitled to be paid with interest and costs of legacy left to him, or that the bequest should be carried out *cy pres* for some legal charitable purpose.

The Lord Chancellor, in delivering judgment, said that, on the state of facts disclosed in the case, two questions arose—First, whether the bequests were void in law; secondly, if



they were void, were they still charitable bequests which the court might direct to be carried out by the application of the *cy pres* doctrine by the court, or by the Crown, under the sign-manual? The principal discussion before the court upon appeal arose upon the question whether the bequests were charitable bequests, capable of being administered by *cy pres*? The first question, however, remained to be considered before the court approached the question of *cy pres* at all. They should first come to the conclusion as to the mode in which and the character in which the law operated upon bequests, so as to make them void. There were three modes by which a bequest of this kind was void—by positive declaration, by the policy of the statute, and by the common law. Now, the first question here was—Were these bequests void by the operation of any Act of Parliament? He did not mean void by analogy or by inference from the Act, or by the policy of the general law of the land; but were they, or were they not void by the application and effect of any Act of Parliament? That question lay at the root of the whole case, and particularly as regarded the bequest to the Rev. Messrs. White and Russell. He quite concurred in the opinions of Master Brooke and of the Master of the Rolls that the words in which that bequest was conveyed, taken in their ordinary acceptation, could not be considered—looking to the period at which the will was executed—to refer to the education and maintenance of any existing members of the Order of St. Dominic. To speak of the education of gentlemen who, at the time of making the will, must have been far, very far, advanced in life, was simply absurd, and was perfectly untenable. Therefore he should read the bequest as providing for the future maintenance and education of two priests of the Order. It was perfectly clear that the Order of St. Dominic was a monastic order consisting of individuals bound by monastic vows, and, consequently, coming within the provisions of the Roman Catholic Relief Act, and it was now for the Court to consider what was the effect of that act on such an order, and what was its operation on bequests for the maintenance and education of persons to become members of the order. His lordship having referred to the provisions of the act, as relating to Jesuits and other religious orders, went on to observe that provision was made for the gradual extinction of such orders. The act declared that it was a misdemeanour for any person to enter into such

orders, after its passing, and imposed highly penal consequences upon those who might violate its provisions. The misdemeanour so committed was of the highest class known to the law. What was the character, then, of a bequest which would prepare a man for the commission of this misdemeanour and maintain him in the commission of it? Any bequest which would have the effect of enabling a person to fly in the face of an Act of Parliament must be void. It struck him that this was a very serious question, and one that appeared to have been rather overlooked. It was said that there were no provisions directly invalidating such bequests. No doubt there were not; but was there not, in substance and in fact, legislation antagonistic to them? In the first instance, it was declared that any person entering into the religious orders bound by monastic vows, after the passing of the Roman Catholic Relief Act, was guilty of a misdemeanour; and the law held that any person aiding another to commit a misdemeanour was himself a misdemeanant, and was liable to be indicted. It appeared to him that it was not a question about the policy of the statute or the common law, but the question of enabling a person to commit a misdemeanour, and on these grounds he was of opinion that the case was cut short *in limine*. He thought the Master of the Rolls took for granted quite too easily that such bequests were not prohibited by the Act of Parliament. In his (the Lord Chancellor's) mind they were directly prohibited, and accordingly he held that the bequest to the Rev. Messrs. White and Russell was void, not by analogy, but upon the express and direct operation of the Act of Parliament. It was not easy to find cases on the subject, but he was forcibly struck by one case in which a gentleman bequeathed a large sum of money to be applied for the release of poachers who might be convicted of offences against the game laws. (A laugh.) It was there attempted to be set up a charitable bequest, under an old statute of Elizabeth referring to bequests for the release of captives; but the court repudiated such an idea, and set aside the bequest. On the whole he came to the conclusion that the bequest to the Rev. Messrs. White and Russell was totally void, and could not be dealt with according to the doctrines of *cy pres*, or in any other way. With respect to the bequest to the Rev. Mr. Conway, it might not be quite so clearly a violation of the law, but it fell within the rule laid down in the Wheatley

church case, and in that respect he entirely agreed with the Master of the Rolls that it was void and could not be administered *cy pres*.

The Lord Justice of Appeal said that he concurred in the judgment pronounced by the Lord Chancellor. It was the duty of the court in this, as in all similar cases, to ascertain the substance and quality of the bequest—whether it was for a single purpose, to the exclusion of any other purpose, and whether that purpose was a legal one or not. On reading those bequests one must at once refer to the statute, the provisions of which related to the maintenance of religious orders. It was plain to him that the object of the testator was to educate and maintain thereafter two priests of the order of St. Dominic. It was plainly not for the benefit of any of the then living members of the order. The question then was whether that was contrary to the provisions of the statute that had been so often referred to. What were those provisions? Plainly and without doubt they prohibited the continuance of these orders, and imposed highly penal consequences upon all aiding in maintaining them. The 26th section of the Act provided for the extinction of all monastic orders. What was the object of the bequest before the court? To make provision for the education and maintenance of future members of the order. In other words, to afford means for continuing and perpetuating an institution that the legislature declared ought to be abolished—nay more, that the legislature, by a series of enactments discouraged and suppressed. It was utterly impossible to read the prohibitory and penal clauses in those enactments without coming to the conclusion that bequests to perpetuate those orders, and so violating the Act of Parliament, were not good. The Act said that the orders were illegal, and that their existence was a violation of the law. The testator said—"It is my object to effectuate that violation." Under those circumstances, he must hold that the bequests were totally void.

The judgment of the court was accordingly in favour of the petitioner on both points, and the two bequests will now fall into residue.

A very able man, Mr. Maguire, M.P. for Dungarvan, has put the case of the recent legal spoliation of the Irish Dominican Fathers clearly and precisely in its

true light, in the *Cork Examiner* for the 25th of March, 1865.

"The facts of that case are now so familiar that it would be affectation to recite them at length. In bare outline they simply are these. The late Mr. Michael Simms left out of his property two legacies, one of £1000. to educate and support two friars of the Dominican order, the other of £500. to the Rev. Mr. Conway for the use of the church of that order at Pope's Quay. The residuary legatee applied to have the will set aside so far as those bequests were concerned. The grounds for so doing form the chief feature of the case. It was not alleged that the testator at the time of making his will was mentally incapacitated from seeing and clearly understanding the scope of his own act. It was not asserted that any undue coercion had been exercised towards him,—that the terrible 'priestly influence,' which forms part of the stage thunder of the Newdegates and Whalleys, had warped his intentions from their due and natural bent. None of these things could be proved—none even are alleged. The ground taken to make the legacies void was one to startle every Catholic, and make him take thought unto himself as to his rights as a freeman. The priests to whom those gifts were made were asserted to be, under the Catholic Emancipation Act(?), nothing more nor less than bare outlaws. When it was first known that this allegation was to be made, the intelligence was received with a certain amount of scornful incredulity. People fancied—'Some musty old statute raked up, but you will find there is plenty of law to meet and remedy that.' But incredulity had to give way eventually to astonishment, belief, and indignation. It was only too true. These priests were indeed, under the Act securing Catholic liberty, outlaws—they had no rights—they were the fair and legitimate butt for the arrows of persecution to be shot against. You might harm them without fear, because they were obnoxious to and outside the protection of the beneficent law of the enlightened nineteenth century. In this city men only knew them as pious teachers, as zealous consolders of the afflicted, as earnest promoters of everything that was good and kindly and charitable. They saw them as bulwarks of faith, as patterns of charity and self-sacrifice, as shining, because modest exemplars of the purity of Christian life. They viewed them with eyes of love and reverence,

for they felt that society was bettered and exalted by the presence in its midst of such men as these. But of a sudden thunders the law—"those whom ye thought noble models of virtue are mere criminals; they are less than men, they have no status in my legal eye, they have no rights, they can have no possessions. Ye may not give to them, and they dare not receive." 'Ye may not give.' May we not? The Catholic spirit of this old island has been often and sorely tried, but it would be a new feature if law thunder possessed terrors enough to induce it to leave undone that which it wished to do. For centuries it defied the sword of the soldier and the gibbet of the judge, and it is now more valid than ere the persecution began. And is it to be supposed that what did not blench in the time of the great trial, will be wanting now in the time of the little one? We should hardly think it—faith has not yet died out, nor we believe has zeal diminished. There arise out of these events two things which have to be done—one requires time and patience, the other promptitude only. The first to which we allude is the necessity for a reform in the law which deprives Catholic priests of their rights. That perhaps cannot be effected in a day or a year, but the purpose is to be carefully and sternly, if needs be, treasured up. The second, but more immediate, because the most feasible, is that Catholic bounty should make good what the law has deprived Catholic priests of. In this weary contest for a principle not only have the legacies been wrested from the priests, but they have been mulcted in heavy costs. Though as 'outlaws' they are incapable of receiving the alms of a dying man, they are not incapable of being amerced in the fees of her Majesty's Chancery. No help for this latter, but it must be paid. Paid no doubt it will be, but in such a manner as to show that Irish Catholicity protests against the foul outrage that law puts upon the priests of its temple."

## CHAPTER VI.

*Recapitulation of Statements of Unrepealed Penal Laws.*

*The Oaths Question, or Qualifications for certain Offices and privileges; obnoxious Declarations of Religious opinions injurious to the Faith, or insulting to the feelings of Roman Catholics, prescribed by Laws now in force.*

The 24th Feb. 1859, Mr. J. D. Fitzgerald, now Judge Fitzgerald, brought forward a motion in the House of Commons, "to take into consideration the Act 10th of George IV. chap. 7, in relation to the oath thereby required to be taken and subscribed, instead of the oaths of allegiance, supremacy, and abjuration." That motion was introduced in a speech of great ability, lucidity, and accuracy.

(See report of it in the Freeman's Journal of February 26, 1859.)

It is very remarkable that when Mr. Fitzgerald brought forward this motion in 1859, the first opponent who expressed his opinions against it, was a Protestant gentleman, Mr. Adams, who said, "He regretted extremely that a motion should be brought forward like the present, calculated to disturb the harmony which now subsisted between the Protestants and Catholics of Ireland." It is not a little singular to find precisely the same argument brought forward in the Dublin corporation, by Mr. Bonsall, six years later—in March 1865, when Sir John Gray brought forward a motion on the same subject, which was resisted by Mr. Bonsall on the ground that, the discussion of such a question was calculated to disturb the harmony that existed between Catholics and Protestants. The motion was carried. Mr. Fitzgerald's subsequent motion to bring in a Bill to substi-

tute an oath for the oath now required to be taken by Roman Catholics, was also carried by a majority of fifteen, by 120 votes to 105. But there ended the success of this attempt to remedy one of the many Catholic grievances which the Act of 1829 left untouched.

The various penal enactments, and more especially those imposing oaths on Roman Catholics as qualifications for certain offices and privileges—oaths which are offensive to their principles and the tenets of their religion; and also oaths required to be taken by Protestants on taking office, which injuriously reflect on their Roman Catholic fellow-subjects—were made the subject of a remarkable discussion in the Dublin Corporation on the 17th of March, 1865, and of a very able and elaborate statement of Sir John Gray on introducing a motion for the adoption of a petition to parliament for the removal of these and all other similar disabilities imposed in the name or on the pretence of religious opinions.

#### QUALIFICATIONS FOR OFFICE OATHS.

The town clerk said that the meeting was called to take into consideration, and do, or cause to be done, all necessary acts upon or in relation to the following notice, which had been given by Sir John Gray.

“That the qualification oaths taken by Protestants, and also those taken by Roman Catholics, be produced by the town clerk, that he (Sir John Gray) would move the adoption of a petition to both Houses of Parliament, praying that her Majesty’s Protestant subjects may in all cases be relieved from the necessity of taking oaths which injuriously reflect on the religion of their Roman Catholic fellow subjects; and that for the qualification oaths now taken by members of parliament, members of municipal bodies, and others, there may be substituted an uniform oath, which shall be simply an oath of allegiance to the Queen and her successors, and of obedience to the laws of the realm; and that a deputation be appointed to wait on his Excellency the Lord Lieutenant, and on the chief secretary for Ireland, to request them to use their influence as members of the Government

of the Legislature, to effectuate this object, and to remove all other disabilities that affect any of the subjects of the crown, because of their professing a particular form of faith."

Sir John Gray, in bringing forward his motion, entered at great length into the question. The obnoxious oaths, he said, which Roman Catholics were compelled to take for centuries, had been passed expressly for the purpose of excluding persons of that persuasion from office and emolument under the Crown. They had been excluded from the bench, the bar, and from all the learned professions; they were excluded from commerce, from trade, from everything but death, and it is well known that they were frequently denied the right of Christian burial. He stood there as a Protestant to assist in emancipating the consciences of his co-religionists, as well as his Roman Catholic fellow-countrymen, from this degrading and debasing mark of servility.

Sir John Gray referred to the oath taken by members of Parliament prior to the passing of the Roman Catholic Relief Act, and adverted to the manliness of O'Connell in refusing to take it when required to do so at the bar of the House of Commons. Speaking of the repealed Test and Corporation Acts, he said that the exclusion of Roman Catholics from office, by making the qualification the taking of obnoxious, offensive, and insulting oaths, was not calculated to advance Protestantism, nor was it calculated to promote the interests of any religion, but was rather a stigma on Christianity. Did any one believe, as stated in one of these oaths, that no foreign potentate or prelate had any ecclesiastical authority in this country? The thing was absurd. In a short time, he was persuaded, they would, in order to emancipate their consciences, demand the repeal of an oath which compelled them to swear what was false. The Roman Catholic Relief Act meant this, or it meant nothing—a modification of the oaths which for ages had excluded them from office, inasmuch as they were obliged to swear, before taking office, that which they knew to be false.

The effect of these oaths was, that knaves and hypocrites were promoted, fraud was rewarded, falsehood and treachery were encouraged, and true religion—that religion which is of the soul, not the lip—conscientious opinions and honest convictions were persecuted—every man who did not bow the knee



to conformity, be he Catholic or Dissenter, and who kept his conscience pure, was persecuted—every man who did not swear whatever he was told to swear by those in authority, who had a policy to serve, was excluded from office, excluded from power, excluded from all participation in the government and management of his own country (applause)... ..

The whole of this system was established for the purpose of excluding Catholics and Catholic Irishmen from power, (hear, hear). They were excluded from the senate, from the bar, from the army, from the corporation, from the profession of physic, from the possession of land, from everything worth having, (hear, hear). The highest offices were shut against them; the meanest even they dare not aspire to, (cries of hear, hear). They were shut out from commerce, they were shut out from trade—everything save misery and death was denied to the Irish Catholic, (hear, hear), and even in death the rites of Christian sepulture were denied to their remains, (applause). What was the effect upon the country? Look back upon the black disastrous years that have passed—examine the state of the people—see how an intellectual, a gifted, a vigorous, a hardy and an industrious race fared in their own land, (hear, hear)—see how, when any member of that race had passed beyond the limits of this oath-bound land, and got fair play, fair play without favour in the land of strangers—see how he rose to position, see how he rose to wealth, distinction, to eminence and power, (hear, hear)—see how the name of Irishmen is respected, both on the Continent of Europe and of America; because there Irishmen were unfettered by those oaths.

Commerce was arrested by the Penal Code, trade decayed—happiness was unknown to the Irish people—nothing was theirs but beggary, and want, and misery, and nothing was engendered save discontent and disaffection, (applause). How could you expect that a people would be well affected to the law who were excluded by law from everything, and told, not in words but told by acts—told by the lash—told by torture,—told by persecution—told by imprisonment—told by confiscation of their property—told by every means of oppression which ruthless power could invent, that though born in Ireland they belonged not to it nor it to them? The law excluded them, those oaths shut them out from its protection.....

I hold that the victor of Waterloo achieved a greater

victory when he conquered his own prejudices, and when, rising above the passions and the convictions of his life, he declared that the time having come when either England must submit to the horrors of civil war, or consent to liberate the Catholic people of these countries, he advised the king and the parliament to choose the latter, (hear, hear). None of us can forget the memorable words he used when taunted in the House of Lords for his change of policy. He said that he would sacrifice his own life in the effort, and would do so cheerfully rather than risk the horrors which he anticipated must follow, if a continued oppression of the Catholic race were persevered in, (cheers). I have made these observations in reference to those illustrious men who carried into effect the Relief Act of 1829, in order that I may not be misunderstood as harshly judging of our great statesmen, when I come to discuss the peculiarities of the Act of Emancipation, and to point out its shortcomings, (hear, hear). That Act has its faults, but these faults do not rest as stains upon the shoulders of those illustrious men. But the small men—the factious men—the miserable-hearted—the narrow-minded men of the great conservative party of the day would not allow a bill for full and unconditional emancipation to pass in its integrity—they would not allow a perfect emancipation to be carried, and in order to secure the great leading clauses the cabinet had to consent to clog the Act with disgraceful clauses, I believe against the judgment, against the will, and against the remonstrances of these men. (hear, hear). I hold in my hand a printed official copy of the oath which every office holder in England and in Ireland was obliged to take prior to 1828, (hear, hear). He was obliged, first of all, to take the oath of ‘fidelity,’ which was a very simple, short, rational, and proper oath, and to which no man could object. He was also obliged to take the oath of supremacy, which very few men could take with a safe conscience. It was that oath which was put into the hands of Daniel O’Connell in 1829 at the bar of the House of Commons, on which memorable occasion he used these remarkable words:—‘I object to take it, because it contains one proposition which I know to be false, and another which I believe to be untrue,’ (applause). He refused to take it—he refused to take his seat, because he could not do so without swearing to what he knew to be false, and to what he believed to be untrue (cheers). Yet every office-holder in England (and there

were many office-holders who so believed it to be in these days) was obliged to take that oath as a preliminary qualification for office (hear hear). I will now state to you the words of the oath—

“I swear that from my heart I abhor, detest, and abjure as impious and heretical the damnable doctrine that princes, excommunicated by the Pope or any authority of the See of Rome, may be deposed and murdered by their subjects or any person whatever.”

I would have told my Protestant friends of this corporation, if they had waited, that that oath has been altered and modified. I must add, that however offensive, galling, and insulting it must be to Catholics to have to take that oath, there is nothing untrue in that portion of the oath which I have read, and though a Catholic might feel insulted at being asked to take it, there would be no violence to truth or conscience. But there is another portion of the oath which I shall now read, which, according to my judgment, contains an untruth, and which according to the convictions and to the judgment, and to the absolute knowledge of O'Connell, was and is false (applause). The other portion of the oath is as follows—

“And I do declare that no prince, person, prelate, state, or potentate hath or should have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within these realms.”

Now, my lord, is that oath—the portion I have just read, the portion which caused O'Connell not to take this oath—is it true or false? (hear, hear). Is it in accordance with fact, or is it contrary to fact? (hear, hear).

In addition to that oath, there was the oath of abjuration, which is also partly set aside, but which is partially retained upon the statute book by being embodied in the oath adopted in 1858; and along with that oath there was the additional procedure which was rendered requisite under the corporation and test act, which required that every office-holder should seek the Church of England door, pass into its portals, not to pray, but partake of the sacrament to qualify him for office.....

The motion embraces two subjects. It complains that there exists at present compulsory oaths and declarations

which officials have to take, and which are hurtful to the consciences of Protestants—insulting, and intended to be insulting and offensive to the judgments, to the convictions and to the religious faith of Catholics (cheers). It consists, also, my lord, of a proposition that the Catholic oath should be modified, and that all other disabilities which press upon Catholics should be removed (hear, hear). I will, in the order of the resolution, first deal with the Protestant oath, and call your attention to some of the declarations which Protestants are now obliged to make.....

Having touched thus briefly on one part of the subject, I have now, my lord, to call your attention to the Protestant oath, as prescribed and revived by recent acts (hear, hear). I mentioned to you that the test act was repealed so late as 1828, and, until it was repealed, no man could be installed into the smallest office, either in England or in Ireland, unless he went through the form of taking three oaths, and, if not a sincere and pious Protestant of the Established Church, he would, in addition, be guilty of the profanation I have just described (hear, hear). But now, my lord, that test being repealed, I find that a little later in the progress of events, some of the acts which imposed the three oaths I have read for you were also repealed, and that instead of having to go through the process which I will not again characterize—which it is hurtful to my own feelings as a Protestant to have to characterize—instead of having to take the oath of “fidelity,” and the oath of “supremacy,” and the oath of “abjuration,” and to sign the “declaration” as to “idolatry and superstition,” he has to take one oath only, as provided by the act of 1858, the 21st and 22nd Vic. By that statute the oath of fidelity, the oath of supremacy, and the oath of abjuration are set aside, and a single oath, embodying the substance of the three, but not including the word “damnable,” is substituted. Now as to the existing oath, I will not require to call your attention specially to the early part of it. The early part embodies the oath of fidelity, another part the oath of supremacy, and the latter part of it is in these words:

“And I do declare that no foreign prince, person, prelate, state, or potentate hath, or ought to have, any pre-eminence, superiority, or authority, ecclesiastical or spiritual, within this realm.”

Now, my lord, as a Protestant, I ask you, as I would also have asked the other Protestant members if they had remained to answer me, is that true? Is it true that no foreign prelate has any "ecclesiastical or spiritual authority" in this realm? (hear, hear). You, my lord, cannot take any office as a Protestant unless you take that oath, or elect to take the Catholic oath of allegiance. ....

The Catholic population of this country, was a numerous and large population. By mere numerical might they could, in 1829, have swept down all the barriers raised by their Protestant fellow-countrymen, and taken possession of office if they pleased, or they might, if ready to ignore conscience and commit sacrilege and perjury, have gone in and waited at the church door till the bellman came forward and said, "step this way, now is the time to qualify for office" (applause). But the Irish Catholics had consciences before God, and refused to go through the hypocritical sacrilege of degrading and desecrating the form of any Christian worship, and remained out of office rather than swear to that which they knew to be false (cheers).

The Catholic people knew the oath was untrue, and they would not take it; and Catholic Emancipation, after all, meant this, and this only, the abolition of tests and oaths which Catholics could not take, knowing them or believing them to be false (hear, hear). Let there be no misconception about it—let there be no imagining by any party that Catholic Emancipation meant the giving of anything to Catholics, or the taking of anything from Protestants for the advantage of Catholics (hear, hear). Catholic Emancipation went to this and to this alone—a modification of the oaths which excluded Catholics from the rights of citizenship, and from power and from office, including a modification of that oath which the Catholics refused to take, because, in taking it, they would be obliged to swear that which, in the words of O'Connell, they knew to be false (applause). There is a name, my lord, intimately connected with Irish history, a name inseparably interwoven with Catholic memories, the name of the father of the present Lord Bishop of Tuam, Lord Plunkett (applause). Few men took a more leading part in Irish politics when Ireland was a nation—no man resisted with more of vigour, more of power, more of energy, more of ability, the effort being made to destroy the nationality of his country, and when he failed in preserving Irish liberties

he carried with him to the other side of the channel, when he became a member of the Imperial Parliament, the strongest sense of what was due to his Catholic fellow-countrymen, and second to none save O'Connell himself, were the efforts made by Lord Plunkett to emancipate the Catholic people of this country (applause). My lord, I have here the opinion of Lord Plunkett, and it is thus expressed as to the fact sworn to by all who take this oath :

"Now he would ask how the oath stood as at present constituted? It ran thus—'I do swear that I do not believe that the Pope of Rome, or any foreign prince, prelate, person, state or potentate hath or ought to have any power or authority, spiritual or ecclesiastical, within this realm.' One member of the sentence positively declared the Pope had not any spiritual power or authority in this realm, while the other"—Mark how clearly Lord Plunkett analyses the oath—"while the other member merely says the Pope ought not to have any such power or authority."

And now what was Lord Plunkett's opinion of that proposition? It was this:

"No Roman Catholic could consistently swear that the Pope had no spiritual power in this realm."

There is the opinion of Plunkett upon that oath—that no man can take it without swearing to that which is false, because every one of us knows that ecclesiastical authority is exercised in this country by the Pope, and we see its results every day before our eyes (hear, hear). Now, my lord, I ask you, were you not premature in expressing an opinion this morning that we were about to introduce some topics here which would create ill-will, which would create hostility amongst the members of this house? .....

I will now pass to another of the topics of my motion. I have spoken before of the oaths of abjuration, of fidelity, and of supremacy having been set aside. I now speak of a declaration which the town clerk will read to you. But before he reads it I will tell you what that declaration is. By some of the ancient acts which were established in the time, I believe, of Charles II. for the express and definite purpose of excluding the Catholics, this declaration was contrived. Up to the year 1829 no man could take any leading office in England or Ireland without taking that

declaration. But you will say, perhaps, in the year '29 that declaration was set aside. By the principle of the act it was set aside as regards every office except those that are enumerated in the 12th section of the act. The 12th section of the Emancipation Act provides, not that Catholics cannot hold certain offices, for there is no specific declaration, from the beginning to the end of the act, that Catholics cannot hold any one specific office, but that no man can hold certain offices named in the clause who is not ready to take that declaration and subscribe to it. And those offices are, that of Regent of the United Kingdom, by whatever name or title he may be called; that of the Lord High Chancellor, that of the Lord Keeper or Commissioners of the Great Seal of Great Britain and Ireland, the office of Lord Lieutenant, the office of Lord Deputy, of the Chief Governor or Governors of Ireland, and his Majesty's High Commissioners in General Assembly of the Church of Scotland. Now, in Ireland there are exalted officers and highly esteemed individuals who are compelled still, when taking office, to make that declaration. The other day Lord Wodehouse, when he came to Dublin Castle as Viceroy, could not accept the commission of the Queen until he made that declaration. Lord Wodehouse, a man of enlightened opinions, a man of truly liberal views, a man who does not possess one particle of anti-Catholic prejudice, could not accept office until he had taken that declaration (hear, hear). The Lord Chancellor, who ever was and is a friend of Catholic liberty, a man who has always taken a liberal course in politics, a man whose very soul must have been harrowed within him by being compelled when taking office to take that declaration, so full of insult to his Catholic fellow-subjects—he could not accept office without taking it. (Hear, hear.) The lord justices cannot accept their office without taking it. And now, knowing what this declaration is, I ask the Town Clerk to read it.

The Town Clerk then read the declaration, as follows:—

“I, *A.B.*, do solemnly and sincerely, in the presence of God, profess, testify, and declare that I do believe that in the sacrament of the Lord's Supper there is not any transubstantiation of the elements of bread and wine into the body and blood of Christ at or after the consecration thereof by any person whatsoever; and that the invocation or adoration of the Virgin Mary, or any other saint, and the sacrifice

of the mass, as they are now used in the Church of Rome, are superstitious and idolatrous; and I do solemnly and sincerely, in the presence of God, profess, testify, and declare that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words read unto me as they are commonly understood by Protestants, without any evasion, equivocation or mental reservation whatsoever, and without any dispensation already granted me for this purpose by the Pope, or any other authority or person whatsoever, or without thinking that I am or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the Pope, or any other person or persons or power whatsoever, should dispense with or annul the same, or declare that it was null and void from the beginning."

Sir John Gray resumed—Now, my lord, there is a declaration distinctly stating that those peculiar tenets of the Catholic faith which are held by Catholics above all others as most sacred, are superstitious and idolatrous.

But, my lord, you may say that this declaration is made in private, or is a private declaration, and that there is no offence in scandal given by it (hear, hear). But Catholic law officers of Ireland, the Catholic Judges of Ireland, Catholic peers and gentry of Ireland, are, for the most part, present in the council chamber when the Lord Lieutenant is obliged to take that declaration, and compelled by his office, no doubt to his own unmitigated disgust, to tell those exalted personages who come to welcome him, to tell them in their own presence that they are superstitious and idolatrous.

I now come to deal with that portion of the subject which has reference to the Catholic Emancipation Act itself, to the oaths taken by Catholics, and to their position under that act.

That act is now before me, and it consists, I see, of forty clauses. Of the forty clauses there are no less than fourteen penal clauses in that act (cries of hear, hear). Now that seems possibly a startling statement to some of you (hear, hear). But any man who reads the Emancipation Act with care will find that, while all the forty clauses, save fourteen, are devoted to a removal of disabilities—that is, an explanation of the mode in which Catholics can be admitted to office



—there are fourteen clauses inserted, every one of which is a penal enactment, directly penal, against Catholics.

Now, my lord, the act, as I said, consists essentially of the enabling clauses and of the penal clauses, and the first of those enabling clauses is the preamble abolishing except in a few cases the old oaths and the abominable declaration that was read to-day. The next is the clause substituting the Catholic oath for the series of oaths that all office takers were obliged to take before. My lord, there are several passages in that oath which are offensive, and ought to be removed. One of those passages is an important part of one of the oaths I have read before, the oath of supremacy, and by it Catholics are called on to abjure the opinion that princes excommunicated or deprived by the Pope, or any other authority of the See of Rome, may be deposed or murdered by their subjects.

In a debate in 1853, on the question of admitting the Jews, it was proposed by the liberal cabinet so to modify the oath, that it could be taken by all members alike, by the Jews, by the Catholics, and by the Protestants. But the absurd prejudices which took men out of this house to-day existed in the House of Commons on that day; and because Catholics would be relieved by the proposed change, the bill was lost, and the government were obliged to introduce it at a subsequent period, leaving the Catholic out, and giving to the Jews that liberty and freedom from insult, which the bigots of the Conservative party refused to the Catholic (cheers). Upon that occasion, Mr. Gladstone rose to answer a taunt thrown out by the Conservative leaders—Mr. Whiteside and others, against Lord John Russell, for desiring to have this offensive passage expunged from the Catholic oath, and he said:—

“I do not believe that my noble friend was very far from the mark in giving utterance to the sentiment”—

That this was an offensive and insulting oath, and ought to be removed. I wish these words to be remembered, I hope they will be remembered by all the members of the cabinet—I hope they will be remembered by the Lord Lieutenant and by Sir Robert Peel, when we approach them with our memorial. These are the words of Mr. Gladstone, the present Chancellor of the Exchequer:—

"It does, I confess, seem to me rather extraordinary to ask any man to say he thinks no one should be murdered."

It does, my lord, seem extraordinary, and when we come to analyse the oath, and ask ourselves what it all means, we are obliged to say it is extraordinary; but still such is the fact. Your lordship's respected predecessor could not take that chair till he was obliged to swear he was no murderer, obliged to swear, as Mr. Gladstone put it, the extraordinary oath that he thought no one should be murdered. "It is," Mr. Gladstone continues :—

"Absurd and more than absurd, it is contumacious asking a man to declare he will not do a thing when the word implies the action he forswears is an action of the deepest guilt. It is asking him to say whether or not he is totally devoid of all moral obligations."

I ask you, my lord, is that the condition in which the Catholic population of this kingdom should be placed; that every Catholic who comes to take office, the smallest office either of honour or emolument, is compelled to undergo the degradation of swearing that he is of a religious faith that sanctions murder, and that he is not totally devoid of all moral obligation (applause). When you ask a Catholic to swear that, why not ask the Protestant to swear it also? (hear hear.) I think I need not trespass on you by further quotations to show that Catholics rigidly observed their oaths and refused to take a false oath, even though it would give them power and wealth, and that when occasion required, and when the necessity of their country and of their Sovereign called upon them—no matter whether the Sovereign was a good Sovereign or a bad Sovereign—they rallied round the standard and defended the national honour at the cost of their lives, and often to the detriment of their faith (applause.) My lord, a predecessor of yours in that chair expressed similar sentiments. It was offered as a bribe to the Catholic population, that Emancipation was to be granted if they rallied round the standard of the proposed union, and gave their support to the project for annihilating the Irish legislature. The first memorable speech of O'Connell was a speech declaring that he as a Catholic, would for ever stand out and accept perpetual exclusion as a Catholic, rather than sacrifice the national independence of his native land. Now, my lord, the next part of the oath with

which I have to deal, is that which requires a Catholic to swear that he—

“ Disclaims, disavows, and solemnly abjures all intention to subvert the present Church Establishment, as settled by law, and will not exercise any privilege to disturb or weaken the Protestant religion, or the government of the United Kingdom;”

and then he is obliged to go on and swear that he makes this declaration without “ mental reservation or evasion of any kind”—still again doubts as to Catholic honour and insult on Catholic gentlemen. Now, my lord, the first thing for us to ascertain is—is it not true that men held out express taunts against Catholic members of parliament for any votes they gave upon church questions in the house, alleging that that oath binds them not to give any such votes, or to take part in any such debates? In 1855 an attempt was made by the Liberal government to get rid of that portion of the oath which no doubt has had the effect of alarming the conscience of many Catholic members. It is true that Mr. Monsell feels a difficulty on account of the phraseology of that oath in taking part in questions, and the modification or adjustment, or abolition of the Church temporalities. Lord Arundel and Richard Lalor Sheil took very strong views upon opposite sides. O’Connell thought he might go the whole length of dealing with revenues, if he did not touch doctrines; but it is plain upon the face of the history of the past ten or twelve years, that a large number of Catholic members, and Catholics who are not members, feel that they have a question of conscience to decide as to whether, having taken that oath, they can take part in questions affecting the Church. This taunt was used towards Catholic members at one time by Lord Stanley, who asked them, could they as conscientious men, having taken that oath, deal with Church questions in the House of Commons; and the fact is used by Lord John Russell as an argument why that oath should be abolished. He says:—

“ I remember further, that Lord Stanley, the present Earl of Derby, rose in his place at that time, I believe upon this side of the house, and read the terms of the oath to which I just adverted, together with a few words a little further on, with respect to the Protestant religion, and asked whether

gentlemen, who had taken that oath, would venture to vote for the motion then before the house? I do say that it is a great evil—a great mischief—when a political question is before the house—a question whether a church establishment should have certain revenues or not—a question upon which members of the House of Commons generally ought to be free to vote, as their sense of the welfare of the country demands—that there should be a certain set of members sitting in this house, against whom a member can get up and tell them that they cannot vote in a certain way without violating their oath.”

I ask the members of this house, are they content to allow an oath to stand between the Catholic member and the discharge of his duty towards his constituents? Are they content that any man may insolently stand up, and pointing the finger of scorn to a Catholic member, say, “You are a perjurer;” for in substance that was what Lord Derby said, when he asked, “After having taken that oath, will you dare vote on the church question?” Having stated that that taunt was used, I think it right, my Lord Mayor, to show you from the speech of Sir Robert Peel himself, the interpretation which was put on the oath, not after it was passed, not after it was adopted, but when it was being pressed through the house, and when members were first asked to consider it by the framer of the oath himself. It was proposed to him that Catholic members should be disqualified by an express clause in the interests of the Established Church, from taking any part on a church question. Sir Robert Peel says ;—

“There appears to me numerous and cogent objections to this proposal. In the first place it is dangerous to establish the precedent of limiting by law the discretion by which the duties and functions of a member of parliament are to be exercised. In the second, it is difficult to define beforehand what are the questions which affect the interests of the church.”

He declares distinctly that his determination with respect to the oath was, that there should be no limitation whatever for Catholics who went into the house.

I have said that there were several clauses in this act, penal clauses, and there is one of them which has reference

to ourselves, with which I propose now to deal. If the members who went away had remained with us I would show them that we are dealing with a municipal question, that our rights and privileges are involved, and that we are called upon to put ourselves right, as a municipal body, before the public. The 25th clause of the act provides:—

“ And be it further enacted, that from and after the commencement of this act it shall not be lawful for any person holding any judicial or civil office, or any mayor, provost, juror, bailiff, or *other corporate officer*, to resort to or be present at any place or public meeting for religious worship in England or in Ireland other than that of the united Church of England and Ireland, or in Scotland, other than that of the Church of Scotland, as by law established, in the robe, gown, or other peculiar habit of his office, or attending with the ensign or insignia, or any part thereof or belonging to such his office; and in case any such person shall, after the commencement of this act, so offend, he shall, being thereof convicted by due course of law, forfeit such office, and pay the sum of one hundred pounds.”

Now, my lord, that clause provides that a Catholic who sits in the seat which you now occupy, sits there under disabilities that do not affect you as a Protestant, sitting in that chair. What is it done for? It is done to give securities to the Protestant Church. That is the avowed object, in order to protect the Protestant Church and State, and Constitution these securities were given—securities that red rags and skins of wild beasts should not be brought by a Lord Mayor into a Catholic place of worship. A Catholic may enter the temple of the constitution—he may ascend the bench—the Protestant life may depend upon his judgment—Protestant property may, by his decree, be passed from Protestant bonds, if justice demands it, to Catholic bonds, nay, even to Catholic uses. You may have a Catholic judge and a Catholic jury, and a Catholic general, but you cannot let a little bit of millinery be brought by a Lord Mayor into a Catholic chapel.

There is one other topic of which I think I could not with justice pass over. I have said there were fourteen clauses in the act, which were all penal clauses. These clauses it is our

duty as men and as Christians, as lovers of liberty, and of our country, to bring before the public, and to try and induce the legislature to abolish, so as to allow our Catholic fellow-countrymen to be as free as I am to-day, anxious that my fellow Protestant countrymen should be free from the oppressive burdens on Protestant consciences which the Protestant oath involves (applause.) My lord, I allude to the disabilities imposed upon the religious orders under that act of Parliament, but before doing so I ask you for a moment to see how stood the law before those clauses, were enacted. I find that Sir Robert Peel described the state of the law. I will not read over these clauses, they are too numerous and it would occupy too much time. But the clauses in substance provided that, every religious order should be put down and suppressed in Ireland, and also in Scotland; that the members of the religious orders shall be put under this severe ordeal, that they shall first of all register, and any member of a religious order coming into the country after that registration, unless he happens to be a native born subject, shall be subject to banishment; that having been banished, if he returns after banishment, or does not after sentence of banishment leave the country, he may be deported by the Privy Council and carried out of the country against his will; and if he returns after that he may be transported as a felon. Now before we come to deal with that, let me ask you what was the state of the law with respect to the religious orders prior to the passing of these penal clauses? I give you that on no less authority than Sir Robert Peel, the framer of the Act. I quote from Hansard. The debate occurred on the 27th of March, 1829, and here are the words of Sir Robert Peel :

“ Since 1793 there was nothing in the law of Ireland to prevent the residence of Jesuits or of other monastic orders in that country. In England, since 1792, there was nothing to prevent the residence of Jesuits here, but the law gave the Roman Catholics who took the oath of 1791, the express power to belong, if he pleased, to any of the monastic orders. The act of 1791 provided that no Roman Catholic who has taken and subscribed to the oath of allegiance shall be presented”—

[I would observe the word "presented" alludes to being presented as the grand jury present a nuisance]—

"or indicted, sued, prosecuted, or convicted in any civil or ecclesiastical court for being a Papist or a reputed Papist, or Roman Catholic priest, or deacon, or for entering into any ecclesiastical order or community."

Now, there is the state of the law in England and Ireland in 1829. There was nothing to prevent the existence of the monastic orders in this country, nothing to prevent the full exercise of their functions either in England, Scotland, or Ireland. That was the state of the law in 1829. What is the state of the law now? By this act—the Emancipation act—by one of its clauses, a court unknown to the constitution since the days of tyranny, has been established for the purpose, not of trying by a judge and jury, but of sentencing by a Star Chamber any member of a religious order, and banishing him from the country (hear, hear, and cheers.) My lord, one of the greatest legal authorities of the day, Lord Tenterden, one of the greatest authorities on criminal law, described these clauses in the discussion of the matter in the House of Commons as creating an offence and a punishment unknown to the laws and constitution of England (hear, hear.) I will not read his observation in full, but I will paraphrase it. He said they were establishing an offence unknown to the laws of England, and that they were establishing a punishment not known to the English constitution in establishing the punishment of banishment (hear hear.) Yet in order to gratify the passions and prejudices of the unreasoning fanatics, who were anxious for ever to exclude Catholics from positions of power, these clauses were inserted in the Relief Bill of 1829. ....

Among the class of persons belonging to religious orders subject to the penalty of banishment by the penal clauses of the Relief act of 1829, are the members of the society devoted exclusively to educational pursuits—the Christian Brothers. Throughout the land they teach the poor gratuitously, and solely at their own cost. If you judge of these 50,000 pupils in constant daily attendance on their schools by the manner in which the statistics of the national board are got together, they would swell up to 90,000, because they have 90,000 pupils upon the roll, although only 50,000 are in constant and every day attendance. My lord, if these

clauses be carried out, and it seems to be the fashion of late to carry them out, you will have all those orders put an end to; you will have every monastic order in Ireland extinguished, and those good and pious, and charitable men—who have devoted themselves, night and day, to the interests of the poor, and the poor alone, the men who interfere not in politics, but who keep away from the busy hum of the world's affairs, and devote themselves to ministering to the poor, and the feeding, the clothing and the educating of the poor, and the children of the poor—will be treated as felons. These are the men that, by the penal clauses of that enactment are excluded from our constitution, made subject to banishment by the sentence of a state chamber, and transportation if they refuse to obey it (hear, hear, and cheers.) What, my lord, do I find with respect to the schools of the Christian Brothers? There were commissioners employed by government to enquire into the state of education in Ireland, to investigate the several systems of education, and those commissioners report that they found the schools of those Christian Brothers in full and most successful operation, and they use these words:—

“There is another influence affecting the attendance at the Christian Brothers' schools of children in the senior class which must not be lost sight of, we refer to the interest which well-taught pupils feel in the studies they are carrying on. We have observed, too, that in schools where the teachers take the greatest interest in the progress of the scholars, and where the standard of instruction is highest, the attendance in the senior classes is unusually large. We have before us one return—that of the Christian Brothers in Richmond-street, Dublin—from which it appears that, in a school deserving this commendation, out of 644 pupils in attendance, 188 were between the age of 12 and 18 years.”

Showing that they belonged to the highest class, and that the training given was such as represented the most advanced intellectual class in the country (hear, hear, hear.) Now, my lord, I ask, are those schools to be shut up? Are the Christian Brothers to be put down? Are the poor to be scattered abroad? Is the Rev. Dr. Spratt to be banished? If another Doctor Doyle is to rise up amongst us belonging to one of those orders, is he to be banished? In the judgment to which I have referred, and which I will not quote at



length, for I fear that I have already wearied you, but in that judgment recently delivered in one of our courts, what was the principle enunciated? The principle enunciated was this, that the law does not recognize the existence—that on the contrary, the law even ignores the existence of these orders; and although the property in dispute was legally willed, so far as the act of the testator—although it was properly capable of being transferred according to all the laws of property, and if it had been transferred to any other person it would have been his property, yet because of the clause in that act they were stripped of that property, and it was handed over to others, on the plea that these orders had no existence in law, and that to aid in creating a Dominican would be a misdemeanour. My lord, if that principle was carried out to its full length, if you are to say to these orders they are not to possess property, and the bequests given to them, the property handed over to them, is not to be theirs, for this act excludes them—and that to give them property is itself a misdemeanour, because you are then giving them subsistence and support, you are helping to commit a violation of the act—if you carry out that principle to the full extent, then the man who would save the life of a young Christian Brother would commit a crime, the man who would shoot a Christian Brother, the man who would murder a Christian Brother, either in cold or in angry blood would be only carrying out the behests of the law, and standing at the head of the lifeless corpse, in crime might say, “the law does not recognize the existence of that individual, and killing him is no murder.” (loud cheers.) Let me in conclusion add, that I hope I have shown that we can discuss this subject without anger, that we can discuss it with reason, and that all the reasoning is in favour of abolishing these offensive oaths (hear, hear)—that every man of character in the present ministry—I won’t limit it to that—but that every man of great intellectual power has recognised the right that every Catholic should be free—that it is an outrage upon the conscience of the Protestant to require him to swear every day he goes to take any office, that which, in the words of Lord Plunket, all men know to be false—that it is an outrage which ought to be removed, and removed from the conscience of the Protestant and the Catholic at the same time.

Alderman Reynolds, in reference to the subject of oaths

to be taken by persons assuming certain offices, said;—With regard to the motion before us, we ought clearly to understand what we are going to do, for if we memorialize the Lord Lieutenant to use his influence to get an act passed that every Protestant may in future take the oath prescribed for our Catholic fellow subjects, what guarantee have we that his Excellency will not tell us “that has been done already?” I hold in my hand an act of Parliament—the 21 and 22 Victoria, cap. 48, passed in the year 1858, which is most plain and explicit. That act will certainly be quoted against us, and we had better not leave ourselves in the position of being taunted with ignorance on the one hand, or of absurdity on the other. What does that act say? Its first first clause says, “that instead of the oaths of allegiance, supremacy, and abjuration, where the same are now by law to be taken and subscribed respectively, the following oaths shall be taken and subscribed.” Sir John Gray quoted a part of this oath, and I think he will agree with me that, after that act of Parliament if any other oath is administered to a Protestant entering upon any office it would be illegally administered.

Sir John Gray.—I am afraid Alderman Reynolds has misunderstood me. I stated distinctly that the oath which the Town Clerk has read to us, and which was formerly put to every person before taking any office, need not now be taken except in certain cases—those cases being the offices which are set out in the 12th section of the emancipation Act. The act of parliament to which Alderman Reynolds has referred does not in any way deal with that oath. I stated that most distinctly.

Alderman Reynolds.—I thought by this Act of 1829 that if any other oaths than those given therein were required to be taken it would be illegal.

Sir John Gray.—I fear Alderman Reynolds is labouring under another mistake. The state of the law is exceedingly distinct on that point, and I thought I had explained it very plainly. Under the old acts all the test oaths was administered to every person as a qualification for office. The act of 1828 repealed the Sacramental tests and nothing else. The act of 1829, if you look at the first section (which I ought to be familiar with, having been a member of the old Catholic Association) repeals the act which rendered the test oath which was read by the Town Clerk necessary to

be taken by office holders, and enacted that that oath need no longer be taken except by persons named in a subsequent part of the act—that is, the persons who are named in the 12th section—including the Lord Chancellor of England, the head of the general assembly in Scotland; the Lord Chancellor of Ireland, and the Lords Justices—these persons and the others who are specified in the 12th section are still required to take the oath to which I have referred.

Alderman Reynolds—Then am I to understand that notwithstanding this act of 1858, there are still a number of persons who are obliged to take these offensive oaths?

Sir John Gray said that it was so, and he wished to state that he had read over every act of parliament on the subject.

Alderman Reynolds—Then you are a better authority on the matter than I am. I am old enough to recollect the agitation that went on for ten years before 1829. That agitation of which O'Connell was the leader. It was the opinion of Daniel O'Connell and Co., that the act of 1829 was not an emancipation act such as it ought to have been. It contained 14 penal clauses, and amongst these were six or seven against monastic institutions, clauses which I will say are of so Algerine a character, that the Catholics of Ireland can never think themselves emancipated until they are repealed. While Sir John Gray was speaking, he (Alderman Reynolds) sketched the form of a petition on this subject, and which he thought should be embodied in any petition which should be forwarded to the houses of parliament. This draft of his showed that under the provisions of the 10th George the Fourth, her Majesty's subjects professing the Roman Catholic religion were disqualified from holding certain civil and military offices under the crown, and that under the same act, her Majesty's subjects who might be elected to certain municipal offices were subjected to certain fines on omitting to take certain obnoxious oaths, or on bearing the insignia of office in a Roman Catholic place of worship, and that Roman Catholic ecclesiastics are subject to many severe penalties and to transportation if they exercise their religious functions—that the provisions of the 10th Victoria, chapter 4, are open and flagrant violations of the principle of civil and religious liberty. Then petitioners would therefore, pray that that honourable house would take these matters into consideration with a view to the establishment of perfect civil and religious liberty. He read this in

order that whoever might prepare the petition to the House of Commons might embody these facts with it.

Alderman Dillon said, in reference to oaths so offensive to the feelings and religious tenets of the Roman Catholic people of this country, as that oath which Lord Wodehouse had recently to take on assuming the vice-regal office:—

Men of learning, of ability, and of virtue, have believed and still believe, that the tenets of the Catholic Church were untrue. But there is not much to be said for the intellect or acquirements of any man who would willingly apply abusive epithets to a Church which has been the theme of eulogium hardly less of Protestant than Catholic historians—a Church which stemmed the torrent of barbarism in Europe, and preserved the literary treasures of antiquity for the present and future generations. But why should Irish Catholics in this respect be made an exception to mankind? In no other country that we have heard of is it the habit of its chief governor to commence his administration with an insult to the religion of four-fifths of its inhabitants. In India the Governor-General does not assail the superstitions of Buddhism or Mahometanism. This practice is reserved for the Catholics of Ireland alone, whose first introduction to their Viceroy is signalized by a denunciation of their religion as idolatrous and superstitious. And yet it is counted a matter of astonishment that Irish Catholics are wanting in loyalty to a government whose respect for them is thus manifested. Next comes the oath imposed on Catholics, which professes to bind them to abstain from all attempts to subvert the Protestant Church as by law established. We have the authority of Sir Robert Peel, cited by Sir John Gray, that the framers of the oath never attributed to it the effect of limiting the power of a legislator to deal with any subject that came before him in his legislative capacity. Indeed it would be difficult to suppose that it was intended to have any such effect, because it would not merely be a limitation of the power of any particular Catholic member of parliament, but also a disfranchisement, to the same extent, of the constituency which selected him. What we desire on this point is, that Catholic and Protestant shall be

placed exactly in the same position and bound by the same oath.

As to the subject of the religious orders, our relation to the law in this matter is rather singular, and not creditable to the authors of the legislation which has placed us in that position. It was broadly laid down by the Lord Chancellor, that not only were the members of the religious orders themselves offenders against the law—criminals in fact—but also that all who aided in any way in their establishment or maintenance, were guilty of a misdemeanour. Now, he trusted that there were few Catholic members of that council who had not been more than once guilty of that misdemeanour, and he would add that there was not, perhaps, amongst them all a more frequent and hardened offender than the gentleman who had been recently raised to the bench in this country. Well, then, here are the criminals, but where are the prosecutors?—and what was better calculated to bring both government and law into contempt than to have on the statute book laws which nobody obeyed, which nobody was expected to obey.....

The following are the Oaths and Declarations now required to be taken by persons of various creeds as qualifications for several offices of state, Parliamentary, Municipal, &c. referred to by Sir John Gray in his speech on the obnoxious oaths question.

#### DECLARATION.

The following is the text of the Declaration now required to be taken by the Lord Lieutenant of Ireland, the Lord Chancellor of Ireland, the Lords Justices, or other chief governor or governors of Ireland. The first clause of the Emancipation Act (10th Geo. IV. chap. 7) repeals so much of all the previous penal acts as regard this declaration to be taken, save in so far as they apply to certain excepted officers named in the 12th clause of same statute.

“I, A. B., do solemnly and sincerely, in the presence of God, profess, testify, and declare that I do believe that in the sacrament of the Lord’s Supper there is not any transubstantiation of the elements of bread and wine into the body and blood of Christ, at or after the consecration thereof by any person whatsoever: and that the invocation or adoration

of the Virgin Mary, or any other saint, and the sacrifice of the mass, as they are now used in the Church of Rome, are superstitious and idolatrous; and I do solemnly and sincerely in the presence of God, profess, testify, and declare that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words read unto me as they are commonly understood by Protestants, without any evasion, equivocation, or mental reservation whatsoever, and without any dispensation already granted me for this purpose by the Pope or any other authority or person whatsoever, or without thinking that I am or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the Pope or any other person or persons or power whatsoever should dispense with or annul the same, or declare that it was null and void from the beginning."

#### OATHS OF ALLEGIANCE, SUPREMACY, AND ABJURATION.

The following are the oaths required to be taken by all Members of Parliament and of corporations, and by all office holders prior to the Act of 1829. In addition, they had to take the "Declaration." The first of these oaths is in the statute called the oath of "Fidelity," but is commonly called the oath of "Allegiance." It is a very proper oath, and if religious intolerance had not been allowed to obtrude into affairs of state, no other oath would ever have been added.

#### OATH OF FIDELITY.

I, A. B. do sincerely promise and swear, That I will be faithful and bear true Allegiance to Her Majesty Queen VICTORIA.

*So help me God.*

#### THE OATH OF SUPREMACY.

I, A. B. do Swear, that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable Doctrine and Position, that Princes excommunicated or deprived by the Pope, or any authority of the See of *Rome*, may be deposed or murdered by their Subjects, or any person whatsoever.

And I do declare, that no Foreign Prince, Person, Prelate, State, or Potentate, hath or ought to have any Jurisdiction,

Power, Superiority, Pre-eminence, or Authority, Ecclesiastical or Spiritual, within this Realm.

*So help me God.*

#### THE OATH OF ABJURATION.

I, A. B. do truly and sincerely acknowledge, profess, testify, and declare, in my conscience, before God and the World, that our Sovereign Lady Queen *VICTORIA* is lawful and rightful Queen of this Realm, and all other her Majesty's Dominions and Countries thereunto belonging. And I do solemnly and sincerely declare, that I do believe in my conscience, that not any of the Descendants of the Person who pretended to be Prince of *Wales*, during the life of the late King *James* the Second, and, since his decease, pretended to be, and took upon himself the style and title of King of *England*, by the name of *James* the Third, or of Scotland, by the name of *James* the Eighth, or the style and title of King of *Great Britain*, hath any right or title whatsoever to the Crown of this Realm or any other the Dominions thereunto belonging; and I do renounce, refuse, and abjure any Allegiance or Obedience to any of them. And I do swear, that I will bear Faith and true Allegiance to Her Majesty Queen *VICTORIA*, and her will defend to the utmost of my power, against all Traitorous Conspiracies and attempts whatsoever, which shall be made against her Person, Crown, or Dignity. And I will do my utmost endeavour to disclose and make known to her Majesty and her Successors, all Treasons, or Traitorous Conspiracies, which I shall know to be against her, or any of them. And I do faithfully promise, to the utmost of my power, to support, maintain, and defend the succession of the crown against the Descendants of the said *James*, and against all other persons whatsoever, which Succession, by an Act intituled, *An Act for the further Limitation of the Crown and better securing the Rights and Liberties of the Subject*, is and stands limited to the Princess *Sophia*, Electress and Duchess Dowager of *Hanover*, and the Heirs of her body, being Protestants. And all these things I do plainly and sincerely acknowledge and swear, according to these express Words by me spoken, and according to the plain common sense and understanding of the same Words, without any Equivocation, mental Evasion, or secret Reservation whatsoever. And I do make this Recognition, Ac-

knowledge, Abjuration, Renunciation, and Promise, heartily, willingly, and truly, upon the true Faith of a Christian.  
*So help me God.*

These oaths were modified by the Act 21st and 22nd Vic. chap. 48.

CATHOLIC OATH.

*As settled by the 10 Geo. IV. Chap. 7, A.D. 1829.*

The following is the Catholic Oath substituted by the act of 1829 (10th Geo. IV. chap. 7) for the oaths of "Allegiance, Supremacy, and Abjuration."

I ———, do sincerely promise and swear that I will be faithful and bear true Allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatsoever, which shall be made against her person, crown, or dignity, and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all Treasons and Traitorous Conspiracies which may be formed against her or them. And I do faithfully promise to maintain, support, and defend to the utmost of my power the succession of the Crown, which succession, by an Act intituled "An Act for the further limitation of the crown, and better securing the rights and liberty of the subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance to any other person claiming or pretending a right to the crown of this realm. And I do further declare that it is not an article of my faith, and that I do renounce, reject, and abjure the opinion, that Princes excommunicated or deprived by the Pope, or by any other authority of the See of Rome, may be deposed or murdered by their subjects, or by any other person whomsoever, and I do declare that I do not believe that the Pope of Rome, or any other Foreign Prince, Prelate, Person, State, or Potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm. I do swear that I will defend to the utmost of my power the settlement of property within this realm as established by the laws, and I do hereby disclaim,



disavow, and solemnly abjure any intention to subvert the present Church Establishment as settled by law within this realm. And I do solemnly swear that I will never exercise any privilege to which I am or may become entitled, to disturb or weaken the Protestant Religion or Protestant Government of the United Kingdom, and I do solemnly in the presence of God profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this Oath, without evasion, equivocation, or mental reservation whatsoever.

*So help me God.*

#### PROTESTANT OATH.

*As settled by the 21st and 22nd Vic. chap. 48, A.D. 1858.*

I ———, do swear that I will be faithful and bear true Allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever which shall be made against her Person, Crown, or Dignity, and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all Treasons and Traitorous Conspiracies which may be formed against Her or them, and I do faithfully promise to maintain, support, and defend to the utmost of my power the Succession of the Crown, which Succession by an Act intituled "An Act for the further limitation of the Crown, and better securing the rights and liberties of the subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants; hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this Realm, and I do declare that no Foreign Prince, Prelate, Person, State, or Potentate, hath or ought to have any Jurisdiction, Power, Superiority, Pre-eminence, or Authority, Ecclesiastical or Spiritual, within this Realm, and I make this declaration upon the true faith of a Christian.

*So help me God.*

#### RECENTLY PROPOSED OATHS BILL.

Mr. Monsell's motion in the House of Commons on the 21st of March, 1865, for leave to bring in a bill to

substitute an oath for that contained in the Emancipation Act of 1829, to be taken by Roman Catholics, on taking certain offices of trust, &c.

The following is a report of what took place in the House of Commons on that motion.

Mr. Monsell, in rising to move that the chairman be directed to move the house that leave be given to bring in a bill to substitute an oath for the oath required to be taken and subscribed by the statute of the 10th year of the reign of King George IV., for the relief of His Majesty's Roman Catholic subjects, said it would be allowed that the present was not an inopportune time for bringing forward a question which affected the honour and disturbed the consciences of many persons, inasmuch as a great change had of late years come over the public mind in these respects, as, perhaps, was natural. After the passing of the Emancipation Act members were ranged together in that house in different groups under theological banners, but now every man took his side according to his political views. It had also been frequently asserted that at the passing of that act there was a compact between the Roman Catholics and the Duke of Wellington's government; but they had it now on the authority of Lord Russell that no communication did take place between the government and the Roman Catholics. He had been urged to extend the scope of his motion, and to propose that one simple oath of allegiance should be taken by all members entering the house, and certainly he should desire himself that such should be the case. He could conceive no scene more degrading than that which took place lately at Dublin Castle; and he knew for a fact that Lord Wodehouse felt it as strongly as man could do, when the Lord Lieutenant, with Roman Catholic privy councillors and Roman Catholic law officers standing round him, took an oath which declared the Roman Catholic religion to be damnable and idolatrous. Every Protestant member when he came to the table had to swear that "no foreign prince, prelate, or potentate hath, or ought to have, any spiritual jurisdiction within this realm;" and in speaking of this oath Lord Plunket said:—

"My idea of the oath of supremacy is, I confess, that in the strict and literal interpretation of the words it is impos-

sible to be taken by any one, for it not only denies that any foreign power ought to have ecclesiastical or spiritual authority within this realm, but it denies even that any foreign power has such authority. Now, if we admit that there are Roman Catholics in the country, the Pope must have spiritual power here."

And he went on to say that its meaning was that no foreign power had authority over the established Church. Lord Chelmsford, however, in a speech made in that house, said the meaning was that no foreign power had legally any authority here, (hear, hear). But when two such eminent authorities differed as to the interpretation of the oath, it seemed high time that it should be abolished, (hear, hear). But perhaps it would be presumptuous in him to deal with anything beyond the limited objects of his motion. All he asked was that the Roman Catholic oath should be altered, but he sincerely hoped the inquiry he suggested might lead to a modification of other oaths. Before the passing of the Catholic Emancipation Act, it was suggested that the number of Roman Catholic members to be returned from this country ought to be limited to forty. From the force of circumstances, it had always been below that number; and he asked the house whether it was likely that the Roman Catholic members would become powerful enough to do any injury to the Protestant institutions of the country if they were so disposed? But he wished to rest his case on other grounds. What was the principle on which all the liberal changes that had been made in the laws of the country for the last thirty-five years were based? The confidence that we reposed in one another. Commencing with the repeal of the test and corporation acts and ending with the act enabling that house to admit Jews, all the measures of toleration that had been carried during the period to which he had just referred were based on that principle. All he asked the House to do on this occasion was, to carry out that principle of confidence—to have confidence in the Roman Catholic members, and believe that they did not desire in any way to injure the institutions of the country, but were anxious to act in perfect harmony with the other members of the house (hear hear.) He would lay down three grounds, on each of which he thought the oath now taken by Roman Catholic members was objectionable. He did not think there were more than two hon. members who would

not desire that there should be only one mode of admission to an assembly in which all the members occupied the same position and had the same duties to discharge. Nothing could be more monstrous than that there should be a symbol of division presented to gentlemen as they went up to the table of that house after an election. On that ground the Roman Catholic oath was objectionable. Again, he apprehended there would be no difference of opinion that an unnecessary oath was an absolutely immoral thing. We were not justified in imposing upon any one an oath, or part of an oath, unless we considered that there was some predominant reason which compelled us to do so. One mischievous effect of multiplying oaths was, that it actually diminished the value of an oath in the public mind, and, therefore, such a proceeding had an absolutely injurious and immoral effect. On this point he would read the opinion of Mr. Speaker Onslow :—

“ I cannot help observing of what little use to a government the imposition of oaths has ever been. A government is never secure of the hearts of the people but from the justice of it, and the justice of it is generally a real security..... When men habituate themselves to swear what they do not understand, they will easily be brought to forswear themselves in what they do understand. The like danger is from the frequency of them, which always takes off from the awe of them, and consequently their force. In my opinion no oaths should be appointed but in judicial matters.”

His third point was, that it was an absolutely immoral act to present to any one an oath which was not precise in its terms—an equivocal oath, one about the meaning of which there could be any difference of opinion. Speaking on March 22nd, 1858, his right hon. friend the Chancellor of the Exchequer, observed :—

“ What he wished the house to bear in mind was this—that if there were these difficulties in the construction of an oath, which were held to be of great constitutional importance, that of itself was a clear proof that the matter required the attention of the House. For it was not a subject which ought to be left to A, B, and C, to construe for themselves. There ought to be a legislative construction put upon such an oath.”

If he succeeded in showing the House that the Roman Catholic oath was an equivocal one—one about the construction and meaning of which there was a great difference of opinion, they were bound either to repeal it or to make some alteration in it, which would render it clear and unequivocal (hear, hear.) But before addressing himself to that point, he would call the attention of the house to the passage in the oath :—

“ I do further declare that it is not an article of my faith, and that I do renounce, reject, and abjure the doctrine that princes excommunicated or deposed by the Pope or any authority of Rome, may be deposed or murdered by their subjects, or by any person whatever.”

That passage about abjuring the belief that princes might be murdered, had been removed from the Protestant oath ; and there could be no good reason for continuing to make Catholics swear to it, for if they were murderers an oath would not be likely to bind them. Then came this passage in the oath ;—

“ I do swear that I will defend to the utmost of my power the settlement of property within this realm as established by law.”

As the Catholic gentry held their properties under that settlement, it was very unnecessary to make them swear to defend it. He now came to the more important part of the oath—that respecting the construction, of which gentlemen of great influence took different views :—

“ I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present church establishment as settled by law within this realm ; and I do solemnly swear never to exercise any privileges to which I am or may become entitled, to disturb or weaken the Protestant religion or Protestant Government in the United Kingdom. I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration and every part thereof in the plain and ordinary sense of the words without any evasion, equivocation, or mental reservation whatever.”

There were three different opinions held as to the obligation imposed on Catholic members by that part of the oath. The late Duke of Norfolk acted on the belief that it prevented him from interfering with church property. As against that

opinion, he would quote one given by a Protestant gentleman. Lord Althorp, speaking in 1833, was reported by the *Mirror of Parliament* to have said—

“He reminded the house that in the progress of the Catholic relief bill a clause had been proposed to prevent the interference of Catholic members in any matters relating purely to the Church, and the house had rejected it; and as that was the case he thought that Catholic members had as much right as Protestants to take part in the discussion of any matter that came before the house as Protestants. It was the intention of the house which passed the relief bill, that Roman Catholics should possess the same rights in every respect as Protestant members.”

The third view was taken by Mr. Justice Shee and others. It was illustrated in this way:—“If in the War Department you found five hundred clerks who only wrote three letters a day, you would not be subverting the War Office if you cut down the staff of clerks by four hundred.” So it was with superfluous oaths; if you found five in existence for which one could be substituted, four should be abolished. He thought there could be no doubt that an oath must be interpreted in the sense in which it was understood by those who imposed it. Now what was the sense in which the Roman Catholic oath was imposed at the time the emancipation act passed? Sir R. Peel stated that the oath in question was taken from two oaths enacted by the Irish parliament in 1779 and 1793. Now, what was the state of Ireland at that time? The belief of the Protestants was that if the Catholics obtained power in any way they would exert it to overthrow the then Establishment. The Catholics were kept down completely at that period, they were not permitted to buy land nor to keep a horse of a greater value than £5, and the object of the oath was to prevent them rising by force of arms, and leading the people to subvert the establishment. Was it not clear that the fear was that violent and not constitutional and legal means would be used to overthrow the Establishment? This was the oath imposed upon students at Maynooth and upon Catholic mayors and justices. Did not hon. members feel that there was really some difficulty in the question? Was it justifiable to force an equivocal and doubtful oath upon any man’s conscience? He thought it was a positive crime to permit the oath to remain in force (hear

hear.) A very remarkable statement had been made within the last few days by the Dean of Westminster, in which he said :—

“I confess that to me all this is a very dangerous, a very objectionable, I will freely say, a very immoral trial of the conscience; a perpetual temptation to tamper with its sensitive jealousy of itself—a temptation to gulp down all, without thought or without enquiry, or to act under the paralyzing torture of doubt.”

Those words were spoken in reference to a different subject, but were singularly applicable to the present question. There was one other point to which he would draw attention. This was an oath imposed solely upon the Roman Catholic members of the house. Let him suppose his hon. friends the members for Birmingham (Mr. Bright) and Sheffield (Mr. Roebuck) were walking up to the table after the general election. In their opinion the whole system of the Establishment was absolutely vicious, and they thought it ought to be got rid of root and branch. He, on the contrary, had nothing to say against the Establishment, and, as long as the English people were anxious for its maintenance, far be it from him to attempt to touch a stone of it, as he believed it to be a great bulwark against infidelity. Yet he was compelled to take this oath, while gentlemen who would, if permitted, turn Westminster Abbey into a conventicle, were not required to take it (hear, hear). Now, was not that a monstrous thing? (hear, hear.) He could only sincerely and heartily thank the house for the interest they had shewn in a matter which, after all, only concerned a small minority of their members, and he trusted they would join him in an endeavour to get rid of the grievance of which he complained, which was, after all, only a relic of a bygone day (hear, hear). The oaths had been framed, with other severe measures, for the purpose of forcing a sort of fictitious uniformity in a Christian country, and as men's minds grew softer, the penal statutes were got rid of, while the oaths were preserved. The only foundation upon which any institution ought to rest was that of confidence for confidence. When the people believed that the House of Commons was sincerely desirous of adopting that principle, they would join in the maintenance of our constitution and the support of our sovereign (hear). Let hon. members go up to the table

house without any such invidious distinction as was made by the terms of the existing oath; let them all be in a position to join heartily in the prayer that the dignity and honour of the country might be maintained by their united efforts, and that they might never allow theological differences to separate them in the discharge of those duties which are devolved upon them as members of the legislature. The hon. gentleman concluded by moving that the house be directed to move the house that leave be given for the introduction of a bill to substitute an oath required to be taken by the statute of the 10th of George IV. for the relief of her Majesty's Roman Catholic subjects.

G. Grey.—The only observation I feel called upon to make at present is to say, on the part of her Majesty's Government, that we give a ready assent to the motion which has been made by the right hon. member for Limerick. As regards the preliminary step of bringing in a bill for this purpose he has laid before the house, I think it is impossible to deny that the subject is one which is well calculated for consideration. I have before expressed my belief that the declarations which are of doubtful interpretation, and which are unduly offensive to those to whom they are tendered, are unnecessary and hurtful, not because they cannot be made conscientiously, but because they impute to them principles and opinions which on all occasions they have repudiated. Under these circumstances, the Roman Catholic members of this house have a right to complain, and we shall shortly have an opportunity of considering how far the objections may apply to the oaths now imposed. I am happy to say no objection will be made by hon. members to the introduction of the bill, and therefore I think that it will be better to postpone any discussion on this subject until the second reading, when we shall be in a position, by taking care to part with nothing that tends to the injury of the Protestant religion, to do justice to every reasonable claim made by our Roman Catholic friends (hear, hear.)

Mr. Newdegate could not say the present was exactly the favourable moment for taking into consideration such a question as that involved in the motion of the right hon. gentleman opposite. The whole of Europe—and he did not see how England could ignore the proceedings on the continent—had just been alarmed and startled by the issue of the



Pope's Encyclical Letter, which was of so important a character as to occupy the attention of the French legislature for a considerable time, and the result had been that the French government had been compelled to interfere in the matter. The Emperor of the French had been compelled after recent occurrences to set himself in opposition to the claims of the Pope, and to those of the clergy, who desired what they called the liberty of obeying the Pope within the dominions of France. He thought it unadvisable on the part of the legislature of England to lend any countenance to this Papal aggression upon France and other Roman Catholic powers who found it necessary, in the interests of political and social order and of the peace of families to resist. He was sorry to say the right hon. gentleman the Home Secretary, had on this, as on other occasions, manifested a leaning towards Ultramontane doctrines (a laugh.) Under existing circumstances he was of opinion that all the restrictions imposed by the oath taken by Roman Catholic members were virtually a protection. [The hon. gentleman, in enforcing his argument with more than usual energy of gesture, here struck Mr. Horsfall, who sat immediately below him, on the hat, amid general laughter. Having apologised to the right hon. member for Liverpool, he then proceeded.] If we would not resist the encroachments of the Papacy in support of the governments of France, Spain, and other Roman Catholic countries, whence was resistance to this aggression to be expected? England ought to be mindful of her duty. Hitherto she had maintained the great cause of civil and religious liberty against the encroachments of a power which, although now limited in its immediate sphere of action as a temporal government, was more active than of old in opposing the great principles of civil and religious liberty throughout the world. The hon. gentleman then quoted the opinion of an eloquent French father, to the effect that according to the Encyclical there was no truly Christian society except where subjects obeyed their princes, and princes obeyed the pope, and where heresy was persecuted and punished with all the rigour of the law. The document issued from the Vatican might raise a smile on the face of those who did not acknowledge the power of the Pope; but he would appeal to the action of the Emperor of the French and of the government of Spain, in forbidding its publication, to show that Roman Catholic

countries at this moment found it necessary to impose restrictions far more stringent than those contained in the oath which they were now asked virtually to abrogate. If it was the opinion of the house that this meddling with a grave matter should be permitted, then it was idle for him to resist; but he felt that he did his duty not only to the Protestant constituency which he represented, but to his Roman Catholic fellow-countrymen, when he deprecated the course which the government and the house were about to take, and which was in direct opposition to that taken by so many Roman Catholic governments. The restrictions of the oath which it was the object of the present motion to abrogate were distinctly imposed to prevent the disturbance of the constitution and of the settlement of property in this country. When the right hon. gentleman (Mr. Monsell) referred to the circumstances at the close of the last century and to the Roman Catholic rebellion in Ireland, assuredly his argument turned against himself, because it was in order to obviate the possibility of questions being raised in this country which might excite similar disturbances that the restrictions contained in the oath were imposed. It was only the other day that M. Rouland complained as a Roman Catholic that the edict issued from the Vatican was aimed at the liberties of the Catholic clergy in France, no less than at the peace of families and social and civil order, which it was the duty of the rulers of France to protect. He regretted that the House of Commons, the representative body of a nation in close alliance with France, a nation which respected and admired the Emperor of the French for the manner in which he had adapted himself to the government of a noble but excitable people, should appear to cast a slur upon the means by which the Emperor thought it necessary to secure social and civil order within his dominions.

Mr. Whalley, who, upon rising, was greeted with derisive cheers and laughter, said he did not intend to reply to the arguments of the right hon. gentleman (hear, hear); but merely to point out to the government that the proposal involved a constitutional change in the organisation of the house—a change in an arrangement which was the subject of great deliberation when it was agreed upon. When, therefore the Home Secretary invited calm discussion for the question, he begged leave to make this observation, that he, for one, would not discuss it; he should vote against it

(hear); and he would charge the government, whenever an opportunity should occur, with having disregarded their duty. If a change of this kind was to be made, it ought to be made by the government, and upon their responsibility. It was not sufficient for the right hon. gentleman to say that the matter would form the subject of discussion in the house. That was not the way to uphold the principles of the constitution, or to maintain an arrangement made within the memory of living men, which was the result of the deliberate contract by which Roman Catholic gentlemen obtained seats in that house.

The house then went into committee.

#### THE PROPOSED CATHOLIC OATH.

A Bill to substitute an Oath for the Oath required to be taken and subscribed by the statute passed in the tenth year of the reign of King George the Fourth, for the relief of his Majesty's Roman Catholic subjects. [Prepared and brought in by Mr. Monsell, Lord John Browne, Sir Colman O'Loughlen, and Mr. Hennessy.]

Whereas, by the act passed in the tenth year of the reign of King George the Fourth, chapter seven, for the relief of his Majesty's Roman Catholic subjects, it is provided that it should be lawful for persons professing the Roman Catholic religion to take and subscribe the oath set forth in the second section of the said act, instead of the oaths of allegiance, supremacy, and abjuration; and whereas by the act passed in the session of Parliament holden in the twenty-first and twenty-second years of her Majesty's reign, chapter 48, it is enacted that, instead of the oaths of allegiance, supremacy, and abjuration, where the same were then required by law to be taken and subscribed, the oath set forth in the first section of the said act should be taken and subscribed, but that nothing therein contained should alter or affect the provisions of the said act of the tenth George the Fourth chapter seven; and whereas the form of oath contained in the said act of the tenth George the Fourth, chapter seven, differs in several particulars from the form of oath contained in the said act, twenty-first and twenty-second Victoria, chapter forty-eight, and it is fit that an oath should be provided to be taken by her Majesty's subjects professing the Roman

Catholic religion as nearly similar to the oath specified in the last mentioned act as may be practicable: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:—

1. Instead of the oath specified in the second section of the said act, 10th George IV. chap. 7, there shall be substituted the following oath—that is to say—

“I, A B, do swear that I will be faithful and bear true allegiance to her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever which shall be made against her person, crown, or dignity, and I will do my utmost endeavour to disclose and make known to her Majesty, her heirs, and successors, all treasons and traitorous conspiracies which may be formed against her or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the crown, which succession, by an act intituled ‘an act for the further limitation of the crown, and better securing the rights and liberties of the subject,’ is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance to any other person claiming or pretending a right to the crown of this realm; and I do declare that no foreign prince, person, prelate, state, or potentate hath, or ought to have any temporal or civil jurisdiction, power, superiority, pre-eminence, or authority, directly or indirectly, within this realm; and I make this declaration on the true faith of a Christian—So help me God.” And the said oath hereby substituted shall be dealt with to all intents and purposes as if it had been incorporated in the said act of 10th George IV. chap. 7, in lieu of the said oath therein contained, and shall be taken and subscribed accordingly.

In the House of Commons, on the 17th of May, 1865, the motion for the second reading of Mr. Mon-sell's Bill for the remodelling of the offensive oath now taken by members of Parliament was carried, after a long debate, by a majority of 56—no less than 190 being for and 134 against it. The opposition was led by

Mr. Whiteside, Mr. Walpole, and Mr. Lefroy, while amongst those who supported the motion were Sir George Grey and Mr. Chichester Fortescue.

## THE CATHOLIC OATHS BILL.

HOUSE OF COMMONS, MAY 17TH.

### THE DEBATE ON THE SECOND READING.

The following is an extended report of the debate which took place in the House of Commons on Wednesday, 17th May, on the motion for the second reading of Mr. Monsell's bill, the object of which is the substitution of an oath for the offensive one now required to be taken by the Catholic members of parliament.

Mr. Monsell moved the second reading of the bill.

Mr. Lefroy rose to move that the bill be read a second time that day six months. The hon. member said that in doing so he felt himself to be uninfluenced by any party or bigoted feeling. He confidently appealed to both sides of the house, inasmuch as it appeared to him that the oath now in use had been recommended by great statesmen of both parties. He thought he might further appeal to Protestant Dissenters as well as to members of the Established Church, and to the support of some even of the Catholics themselves, those, namely, who might agree in the judicious course which was adopted in 1826 by the Duke of Newcastle and the forty or fifty other Roman Catholic peers and commoners, and which was acted upon by his grace throughout his life. He did not intend to mix up any religious topic with this debate; he looked upon the question as one simply of contract. He adopted the view that had been recently expressed by a dignitary of the Church of England and Ireland, that whilst that church as a member of the Church of Christ rested upon a rock which could not be shaken by man's assaults, still its establishment was of human foundation, and being capable of being affected by human attack, it was necessary that it should be defended by human agency (hear, hear.) The object of the declaration to which he had referred was to effect the great work of Roman Catholic emancipation; and as a further proof that these concessions were made by the Roman Catholic

clergy for the purpose of advancing the success of the measure, he would appeal to the evidence which was given by Dr. Murray and Dr. Doyle before the House of Commons committee of that year. When this question was brought forward in the house, Sir R. Peel, as he said, made a sacrifice of personal friendships, and of many connections most dear to him, feeling it to be his duty to carry out the recommendations which had been made in the speech from the throne.

Mr. C. Fortescue, as he had taken a part in the discussion of this question in a former session, and had always felt a deep interest in it, wished to make a few observations in support of the bill and against the amendment of his hon. friend the member for the University of Dublin. He was not going to attempt to follow the hon. member behind him (Mr. Whalley,) for it appeared to him that a gentleman who was of opinion that this exceptional oath had the effect of placing those who took it on an equality with those who did not, and who told them that the extracts he had read and the accusations he had made were conducive to the dignity of the house, was impervious to argument (a laugh.) The only argument the hon. gentleman himself had used against the bill was, that if it became law it would be his duty to inflict himself on the house to a greater extent than he did at present; but, as the house would have a remedy in their own hands against anything of that sort, even that argument did not induce him to change his views. In tracing the history of the Catholic relief bill the hon. member for the University of Dublin had referred to passages in the speeches of two or three Catholics of great eminence, and had endeavoured to turn them to account as against the proposition of his right hon. friend the member for Limerick. But, for his own part, he attributed very little importance to expressions of that kind, proceeding as they had done from persons who were so elated by the great and righteous triumph which they had just achieved, as not to pay much attention to the drawbacks which accompanied that conspicuous act of justice. As, however, those expressions had been referred to, he would bring under the notice of the house some words used by Sir R. Peel and Sir Charles Wetherall at the time the relief bill was under discussion. Sir Robert Peel, in giving his reasons for rejecting proposals to limit the number of Roman Catholic members, or put a limit on their legislative capacity, said it was dangerous to establish the precedent of limiting the discretion

with which the duties and functions of members of Parliament were to be exercised (hear.)

Again, the right honourable baronet said he was unwilling to deprive the Roman Catholic members of the judgment and discretion which were allowed to other members of parliament. After that he was not surprised to find Sir Charles Wetherall saying that he treated the Roman Catholic oath with contempt, as incapable of achieving that which he wished to see effected—namely, to have Roman Catholic members prevented from taking part in discussions respecting Church temporalities. Sir Charles went further, and asked the government to state whether or not that oath would restrain the Roman Catholic member in acting in his legislative capacity? That challenge never was accepted by Sir Robert Peel, or any member of the government, so that the statements to which he had just referred the house showed that those who opposed Catholic claims in 1829, took very different views of the meaning of the oath from that contended for by those who opposed the bill of his right hon. friend, and they showed also that it was not the intention of the government, when the Catholic Relief Bill was passed, to fetter or restrain the action of Roman Catholic members in respect of any question which might come before the house, (cheers). The oath was ambiguous, and therefore was always immoral and unrighteous; but had acquired a more offensive character in the eyes of Roman Catholics within the last few years in consequence of the great change which had been made in the oath taken by the Protestant members of that house in 1858. Many expressions which before were common to both the Roman Catholic and the Protestant oaths were then struck out of the latter. The Protestant majority had relieved themselves by expunging certain expressions in the oaths they took, but still continued to force those objectionable portions of the oath upon the Roman Catholic minority, (hear, hear). He did not doubt that the great majority of Protestant members were desirous of finding themselves in a position to relieve their Roman Catholic brethren from this badge of inferiority, which the oath, this snare to the conscience, implied, (hear, hear). There might be one or two gentlemen sitting in that house whose minds had a peculiar ecclesiastical bent which caused them to feel pleasure in inflicting this oath upon the Roman Catholic members; but he assumed that the majority of the house would be anxious to abolish the objectionable parts of

the oath, unless some absolute and weighty state necessity compelled them to retain them. Could any one believe that the mere fact of thirty members taking that oath added one iota to the security to the temporalities of the Church? (hear). The existence of the Established Church in England and in Ireland depended upon the wishes of the majority of that house, and not upon the terms of an oath administered to an handful of members. If the oath were futile as well as objectionable, was it fair or generous to retain it?

It was, no doubt, perfectly natural and right that every member of that house should give his solemn assurance in the presence of God of his attachment to the monarchy and to the sovereign, but he contended that no oath should be required for the security of any situation, however important; and he thought there were many other institutions of this country equally important with the temporalities of the Church. All those institutions, without exception, should rest upon their only true and legitimate foundation—viz., public opinion, (hear). Why should the temporalities of the Church—he drew a distinction between the Church and its temporalities—form an exception to that salutary rule? There were peculiar reasons why the temporalities of the Church should not be made such an exception. The Church establishment rested entirely upon the preponderating assent of the majority of the people. He would doubtless be told that the oath was part of the system of toleration, which was a grand idea, and an immense political discovery made by great men in former days. But at the present day they had acquired a higher and truer idea of justice. Toleration was all very well, but it was not enough; members of that house ought not to be tolerated, they ought to sit in it upon absolutely free and equal terms, (hear). He hoped the majority of the house would accept the bill upon the principles he had endeavoured to set forth, and he would ask them no longer to continue to harass and torment the consciences of their Roman Catholic brethren by compelling them to take the oath, if sacrifice it were in their minds, if not to the rigid claims of political justice and right, at the call of generosity and the demand of morality, (cheers).

Mr. Whiteside declared that he never had heard more dangerous opinions than those which were expressed by the right honourable gentleman. The Secretary of State for the Colonies has set forth in a book published by him the intentions of



the late Sir Robert Peel on this subject. He described the manner in which the measure was concocted which they were now called upon to reopen; and he (Mr. Whiteside) asked the Roman Catholic members of the house if they had considered the consequence of reopening this great question. How Cromwell treated Ireland was well known; but it was sufficient to say that he did not allow his jurisdiction to be disputed. Charles II., when restored, gave back their properties and position to Roman Catholic gentlemen, but on condition of taking an oath of allegiance and loyalty to the crown. They took the oath—an oath not different from the one this bill aimed at. This oath was therefore no novelty, and when honourable members said it was they spoke in ignorance. It was taken from an oath of eighty years ago, and that was taken from an oath of 1754. This oath contained the passage referring to the settlement of property, like every oath that preceded, and it was ominous that this passage was omitted in the oath proposed to be substituted for it by this bill, (hear, hear). When the Catholic Emancipation Bill was before parliament, the Catholic archbishops and bishops presented a declaration to parliament that they were ready to take the oath not to disturb or weaken the settlement of the Established Church; and the oath was at that time imposed with the direct purpose of preventing a body of men in this country from being moved by a foreign potentate to overthrow the Established Church, (hear, hear).

“We, therefore, limited the bill of 1857 to the admission of the Jews, and to the simplification of the oath which was to be taken by Protestant members. All that was done was to insert a clause in the bill stating that it should not extend to altering or affecting the oath to be taken by Roman Catholics, leaving that as a separate subject of consideration, there being already recorded a statement of our opinions as to what we thought ought to be done. That bill, also, was rejected by a small majority; but in the next year, when Lord Derby was in office, a bill founded upon the same principle was carried, and I believe that it would not have been carried if it had not have been for that saving clause which separated the case of the Roman Catholics from that of the Jews. What happened in 1859? The right honourable gentleman has quoted the opinion of Lord John Russell expressed in 1834, only four years after passing of the Emancipation Act, when he thought that it was expedient to revive the questions which had been

settled by that act; but he has altogether overlooked the opinion expressed by Lord John Russell, not only in 1854 but in 1859, when the present Mr. Justice Fitzgerald, then member for Ennis, brought in a bill identical with that now before the house, and which was supported by Lord John Russell and by those who are in the habit of acting with him. His name was actually placed upon the back of the bill, which by a large majority this house gave leave to Mr. Fitzgerald to introduce. There can, therefore, be no doubt what are the opinions of the government with regard to the principle involved in this Bill; but before I state shortly the reasons which induce us to support it, I will advert to one or two observations which have been made by the right honourable gentleman. He accused my right honourable friend, the member for the county of Louth, (Mr. C. Fortescue), of treating with disrespect the memory of the great statesmen who were chiefly instrumental in passing the Roman Catholic Emancipation Act, and imputed to him that he had treated them as puerile, and as proposing what was altogether absurd and unworthy of the reputation which they enjoyed, in pressing the adoption of this oath. Let me recall to the house what were the circumstances under which that act was passed. The Duke of Wellington and Sir Robert Peel had long been the opponents—no doubt the conscientious opponents—of the proposal to admit Roman Catholics to parliament, but they were not bigoted in their opinions. They were open to the influence of facts as well as of arguments upon their minds, and they came to the conclusion that it was essential to the interests of the country that those claims which they had long conscientiously opposed should be conceded, and in the discharge of a difficult, and in their circumstances, a painful duty, they openly avowed their change of opinion, and devoted all their energies to doing what they thought that the interests of their country, and the rights of their Roman Catholic fellow countrymen demanded. One difficulty in their way arose from the course which they had themselves pursued and the party with which they were connected. The right honourable gentleman has himself alluded to the difficulty which they encountered in overcoming the scruples of the sovereign and obtaining his sanction to the introduction of that bill. Well, then, we must regard their acts in the light of those facts, and con-

sider what they did in the way of procuring securities, not which they themselves thought essentially necessary.

The recent assertion of the Pope of his spiritual jurisdiction, went to the root of the whole question between the Crown and the Papacy. The oath proposed by the right hon. gentleman omitted the clause in the existing oath with reference to property, to the rights of the Established Church, and the Protestant religion. When they saw the National Association in Ireland aiming at the overthrow of the Established Church, the Pope still claiming spiritual jurisdiction in England, and appointing an Archbishop of Westminster—he thought it was right to maintain the security which was afforded by this solemn oath. When, in 1834, Mr. O'Connell made a motion to repeal the oath taken by Roman Catholics, Sir R. Peel stated that the question was one of principle, not of form—a compact entered into in 1829, which was morally conclusive. Earl Russell on that occasion said it was not expedient to make any change in the Roman Catholic oath. The legislature had never departed from the principle of this oath, and he maintained that its principle was wise and politic. It was neither offensive nor unjust, but it contained the conditions upon which a great and healing measure was carried (hear, hear.) He thought that this measure went directly to facilitate the attacks which were avowedly made against the Church, and, speaking with some knowledge of the past history of the country, he believed that the compact made in 1829 was wise, politic, and sound, and therefore he should give to this bill an open and explicit opposition.

Sir G. Grey.—The Right hon. and learned gentleman appealed to me as representing the government to know what course they intend to take with regard to this question. I should have thought that such an appeal was wholly unnecessary. He has omitted all reference to some important proceedings in this house, and has given a most inadequate representation of the opinions entertained and expressed by the present government upon this question. I must remind him that in the year 1854, Lord Russell, as a member of Lord Aberdeen's government, with the concurrence and support of that administration, submitted to the house a bill, the object of which was to substitute for the oaths then taken by members of this house one uniform oath to be taken by all. That was accompanied by a proposal to admit Jews

to parliament, and the general and comprehensive measure which embodied the proposal now before the house was rejected by a small majority. The right hon. gentleman said that in 1857 a measure was introduced by my noble friend at the head of the government, the late Sir G. Lewis, and myself, to re-enact the very oath which had been established by the Roman Catholic Relief Act of 1829. The effect was to re-enact it, but what were the circumstances of the case? We had found that a general measure was not likely to be successful. It was at that time desired that the doors of parliament should be open to gentlemen professing the Jewish faith, and we found that it was impossible to accomplish that object except by means of a compromise with those who had been the determined opponents of the measure. With respect to the framers of the relief bill of 1829, they proposed it with an earnest desire to attain the object which they had in view, and to meet the conscientious objection of men with whom they had been acting in opposing the measures, and who demanded the introduction of what they believed to be securities against the evil consequences which they apprehended from the admission of Roman Catholics to parliament. It is no imputation upon those men that they enacted that which it may now be our duty to revise in the light of experience. They did what they were able to do at that time. And when the right hon. gentleman talks about a compact, and refers to the gratitude with which that measure was received by the Roman Catholics, I say that it is unjust and ungenerous to attempt to found upon the course taken by the Duke of Wellington and Sir Robert Peel, or upon the gratitude expressed by the Roman Catholics for their admission to parliament, a compact which is to preclude the legislature from ever reconsidering what was then done. Again, let me say a word as to what fell from him as to the jurisdiction of the Pope in this country. One would have supposed from his speech that my right hon. friend the member for Limerick proposed to omit from the Roman Catholic oath the declaration that no foreign power, prelate, or person has jurisdiction—political or spiritual—within these realms. He went into an argument to show that the canon law has no authority in this country except so far as it has been confirmed by statute law, and cited cases which showed that there is not a judge in the land who would not in the most explicit language declare

that the law of the land, and that law alone, is to be followed in our courts. The only effect of that part of his speech must be to excite a prejudice against the proposal now before the house, and to lead people to suppose that it is in some way intended to get rid of the declaration that the Pope has no civil or temporal jurisdiction in this realm. The words which are now used by Roman Catholics when they take the oath at this table or elsewhere are retained in this bill, and if it passes they will still make the declaration that the Pope has no temporal or civil jurisdiction in this country. With regard to the bill itself, I stated, when leave was asked for its introduction, that I agreed with my right hon. friend in thinking that it was extremely objectionable to enforce oaths which were unnecessary or needlessly offensive, although they might be taken with a safe conscience, or which were of doubtful or ambiguous interpretation, and therefore a snare to men's consciences. As there was no opposition to the introduction of the bill, I declined at that time to go into the question how far such objections applied to the oath, but I am now prepared to say that I think they apply to it with such overpowering force that I cannot refuse to agree to the second reading of the bill (hear, hear.) The object of this bill is, in fact, to assimilate the oath taken by Roman Catholics to that which is taken by every Protestant Episcopalian and Dissenter, and by every member of the Jewish faith, with one single exception, that whereas they deny that the Pope "hath or ought to have any spiritual jurisdiction in this country, that it is not required to be taken by Roman Catholics; not now for the first time however, because in the oath which has already been sanctioned by parliament it has been thought right for obvious reasons not to require them to make that declaration. The first declaration which it is proposed to omit from the oath, is the declaration that it is not an article of the faith of Roman Catholics "that princes excommunicated by the Pope may be deposed or murdered by their subjects or any person whatsoever." The right hon. gentleman said that he is not willing to part with the security which that gives for the life of the Sovereign, but he did not attempt to argue the matter. Now, I ask whether there is a single member of this house who believes that any one of our Roman Catholic countrymen sitting among us holds such a doctrine, or does not utterly repudiate and

dominate it. What does this declaration imply? Is it not needlessly offensive? Does it not say by implication, that the Church to which Roman Catholics belong holds this doctrine, and that we do not permit them to sit among us unless they separate themselves from their Church? It is utterly useless as any security whatever. We may depend upon the loyalty of the Roman Catholics, and if not—although I am sure we can—we may depend upon the force and efficacy of our laws, which would instantly and effectually deal with any attempt to act upon these principles, which they as well as ourselves repudiate. But what advantage, what security for the life of the sovereign, what security for the maintenance of our institutions is there to be found in those words? I hope that before the debate closes we shall hear from those who desire to retain them, some arguments for their retention; from the right honourable gentleman we heard no argument except that he is not willing to part with them.

Mr. Whiteside, I said that the King of Italy had been excommunicated.

Sir George Grey—I do not doubt that the Pope may excommunicate if he pleases, but I ask the right honourable gentleman, does he suppose that if this excommunication took place there is a single member of this house or of the Roman Catholic Church in this country who would not repudiate the doctrine that an excommunicated prince may be deposed or murdered.

Mr. Whiteside—That was not the question. What I said was, that the power was at this moment claimed and exercised by the Pope, (cheers).

Sir George Grey—And are we, because the power is claimed, and exercised, to impute to our Roman Catholic fellow-countrymen that they hold the doctrine that if the Pope should excommunicate the sovereign they would be absolved from all ties of loyalty, of morality, and religion, and that they would be justified in agreeing to the deposition or even the murder of the prince? That is the question. This declaration is no security for anything to which we attach any value, and therefore I am willing that it should be expunged. Passing over the intermediate declaration, I will come to the last clause, because it comes under the same head of objection as that with which I have been dealing. “I do solemnly and in the presence of God profess, testify, and declare that I make this declaration, and every part

thereof, in the plain and ordinary sense of the words of this oath, and without any evasion, equivocation, or mental reservation whatever." What does that imply? It implies that Roman Catholics, as distinct from Protestants, hold that they may take an oath with mental reservation, with equivocation, and with evasion, and that is not an imputation that I am willing to adopt. I do not think that it is just or generous to make a Roman Catholic take a declaration of that kind, which reflects upon the Church to which he belongs. And in reading this oath, and in listening to the arguments for its retention, one is struck by the absurd attempts that are made to bind consciences which, at the same time, it is said cannot be bound. The oath is very explicit in its terms, why make part of it a declaration that it is taken without equivocation, evasion, or mental reservation? If we believe that members are capable of taking the preceding parts of the oath with evasion, equivocation, and mental reservation, why not the last words too? I believe, then, that in these two passages the oath is needlessly offensive, that it is wholly unnecessary, and that it might, and ought to be discontinued. I come now to other passages which have been dealt upon more fully by the right honourable gentleman. The first is the declaration, "I will defend to the utmost of my power the settlement of property within this realm as established by the laws;" and can the right honourable gentleman, I would ask, honestly believe that there sits in this house a single member who desires to disturb the act of settlement? (hear). If these words are worth anything, why impose them upon Roman Catholics only? I now come to that part of the oath which relates to the Established Church, and the objection which I have to make to it is that it is so ambiguous and doubtful that different persons have put upon it different interpretations ever since 1829. The late Duke of Norfolk and his brother, who now has a seat in this house, I believe entertained the opinion that this portion of the oath was sufficiently doubtful to restrain them from supporting such motions as those, for instance, for reducing the number of Protestant bishops, or effecting a different distribution of the revenues of the Church. That, however, is not the view which has been taken by others, who have not indulged in such nice distinctions, and who contend that there is nothing in the words by which they "solemnly abjure any intention to subvert

the present Church Establishment as settled by law within this realm," which can be held to preclude from giving a conscientious vote on any of the various questions which come before us having reference to the temporalities of the Established Church. Is it right, then, that Roman Catholic members should be required to make a declaration on which different interpretations are placed by men of the highest authority? I again repeat the question—why, if these words are worth anything, should they be imposed on Roman Catholic members only? When the right honourable gentleman opposite referred to the proposal to do away with the bishops of the Church, the cheers which greeted his remarks came from those benches which are chiefly occupied by the Nonconformist members of the house. Is danger, then, to be apprehended from our Roman Catholic fellow subjects, and not from those honest Dissenters who openly show their opinions? The right honourable gentleman has alluded to instances in which Roman Catholics have advocated the view that the Established Church ought to be subverted; but I should like to know whether the language to which he has called our attention differs from the language—the unambiguous language—which is day after day placed on record at meetings of Protestant Dissenters. For my own part, I must say that it is desirable there should be only one oath taken by members of this house. If it be deemed expedient that those words with regard to the settlement of property and maintenance of the Church Establishment should be retained, then why not, I would ask, extend them to honourable members generally? If there be any value in them for securing either of the objects to which they relate—which I do not believe—then let us call upon those to take them who, independently of the Roman Catholics, make no secret of their hostility to the Established Church. Nor do I see why the words which follow—"and I do solemnly swear that I will never exercise any privilege to which I am or may become entitled, to disturb or weaken the Protestant religion or Protestant government in the United Kingdom,"—should be subscribed to solely by Roman Catholic members. I have spoken to Protestant Dissenters in this house and out of it, and I believe that, whatever their opinion may be with regard to the Church Establishment, there are no firmer friends and supporters of the Protestant religion, yet



they do not take the same narrow view as the right honourable gentleman of this bill. I find to-day, on referring to the report of the committee on public petitions, that a Petition has been presented from Protestant Dissenters in and within twelve miles of London, in which, after referring to the bill before the house, the petitioners express a desire that such a measure should pass into law, approving it, as they do, as being just and reasonable. Such an expression of opinion does, it seems to me, do great credit to the Protestant Dissenters, and I trust the house may take a similar view of the proposition under our notice. There can be no sufficient reason for maintaining words which, while they afford no security, are offensive to a large number of our fellow-countrymen. When I use the term offensive I do not believe that Roman Catholic members can conscientiously hesitate to take this oath. They submit to take it because it is imposed by law, but they, at the same time, look upon it as an insult and a degradation. Therefore it is that they ask to be relieved from that which they believe affords no security whatever for the Protestant religion, and if there should be any honourable member who thinks that the words having reference to the maintenance of the Church Establishment should be retained, he need not on that account simply refuse to vote for the second reading of this bill, if he agrees with me that those other words which I say are needlessly offensive ought to be expunged. I hope, at all events, that the house will assent to the second reading, and go into committee to consider the provisions of the bill, and I trust the result may be the substitution of one common oath for all the members of this house, so that we may be all placed on that equal footing on which I think we ought to stand. With regard to oaths generally—a subject on which returns have been moved for and placed in the hands of members—I may add that it is in my opinion a point well worthy of consideration whether the oaths taken, not only at this table, but throughout the country, ought not to be inquired into with a view to revision, and to the dispensing with those which may have become unnecessary.

Mr. Walpole said—He had hoped that they had come to an end of those unpleasant discussions about oaths in 1858; but as this was not the case, and that the question was again reopened, they must well consider what it was they were called upon to do. The right hon. gentleman the Home Secretary

had told them that the object of the bill was to establish one form of oath for all the members of that house, and if that were all it proposed to do he would be disposed to go into committee. But he could not conceal from himself that the bill proposed to substitute an oath for Roman Catholic members in lieu of that which was agreed upon by the eminent men who framed the act of emancipation. With regard to the point whether they should have one form of oath for Roman Catholics and another for Protestants, there were some circumstances which should not be lost sight of. Before 1858 there were three separate oaths, that of allegiance, supremacy, and abjuration. By the act of 1858 those three oaths were consolidated into one; and he thought that in whatever they did they should preserve the substance of those oaths, which were taken by Protestants. And the question arose whether it was desirable to alter the Roman Catholic oath as it was settled in 1829. Unless they could show that the Roman Catholics suffered under some practical grievance, it was only right to maintain, for the satisfaction of the larger and Protestant section of the community, the settlement of 1829. If they did not they would raise up new religious disputes and feuds to which he saw no end. For the sake of religious peace he thought that unless it was shown there was something in the oath so objectionable that it should be expunged, the settlement of 1829 should not be disturbed. Well, was there anything of this objectionable kind? He was quite ready to admit that that oath did contain certain phrases which he should be willing to omit if they were considering the question *de novo*. But before he consented to strike out these clauses he must ask what was meant by doing this? and he must take care that nothing was done to sanction the idea of an allegiance divided between the crown and the Pope. Upon the whole, he could not but think that it would be a wise thing to abide by the settlement of 1829; but if the house were of a contrary opinion he would say at once that there were some parts of the oath on which he would not insist. But he thought that if they modified the oath at all they should have only one oath for all the members of the house; and that the task of modification should be undertaken by the government. He objected to this bill because it would not give us a single form of oath, and that it was not undertaken on the responsibility of the government. He would advise the house either to abide by the settlement of 1829, or alter

the oath on the responsibility of the government, and in such a manner as to have in future only one oath for both Protestant and Catholic members.

For the second reading	...	...	190
Against...	...	...	134
Majority	...	...	—56

The bill was then read a second time.

Mr. Monsell fixed the committee for Friday next.

Mr. Newdegate gave notice that he should move as an amendment that the house should go into committee that day six months.

The second reading of Mr. Monsell's Roman Catholic oaths Bill, which was carried in the House of Commons by a majority of 56 votes, was moved in the House of Peers by Lord Devon on the 29th of June, 1865.

The Earl of Derby moved, as an amendment, that the bill be read a second time that day three months. He deeply regretted that he was compelled by a sense of duty to oppose the measure. He did so, however, because he considered that it was neither wise nor expedient, more especially at this moment, and under present circumstances, to adopt a bill the result of which would be entirely to subvert, not a compact but one of the leading principles of that great settlement which after many years of angry and protracted discussion, at length restored political and religious peace, and was accepted as a full, satisfactory, and complete arrangement of all difficulties. He had lived among Roman Catholics in Lancashire. He had many Roman Catholic tenants both in that county and in Ireland, and in relations with them he had never drawn the slightest distinction between Protestant and Roman Catholic. This, however, was neither a personal nor a social question, but a question of high political importance, and it was to be decided by that which was to be considered for the empire at large. He had always been ready to defend the rights of the church, of which he was an attached member. His first speech in parliament was in support of that Church in Ireland which now appeared to be a mark of attack; but amongst his earliest votes was also one in favour of relieving his Roman Catholic fellow subjects from all those restrictions and disabilities which pressed un-

justly upon them. He therefore hoped his opposition to this bill would not be attributed to unreasoning bigotry or hostile feelings against the Roman Catholic Church; but he contended the present moment was most injudiciously selected for raising the question. We were on the eve of a general election; and was it wise, prudent, statesmanlike, or patriotic, to bring such questions forward at such a time? Where were the petitions in favour of the bill? Who were those who complained of oppression and desired to be set free? Where were the Arundels, the Howards, the Stourtons, the Talbots, the Petres, the Cliffords, and others of historic note, who in times gone by had made many sacrifices for their religious opinions? Not one of them was before parliament now, and the reason was that they were content with the present position of affairs, and had no substantial grievance to complain of. The noble earl at some length entered into a history of the oaths imposed upon Roman Catholics, tracing their progress from 1757 to 1829, and pointing out that the necessity of the declaration now complained of, had been repeatedly acknowledged and even claimed by Roman Catholics themselves. It was injustice to Sir Robert Peel to suppose that he introduced the existing oaths for the mere purpose of satisfying public clamour, without believing that they would operate as a restraint upon those Roman Catholic members who might otherwise be desirous from conscientious motives of disturbing the Protestant Establishment. He had no objection to sweep away that portion of the oath which required the person who took it to declare that he did so without equivocation or mental reservation, together with that portion which related to the settlement of property. He believed that any man who was prepared to take an oath with a mental reservation, would be equally prepared to break it, however much he might be fenced round with additional oaths. He had already proposed to the government, that if they would take up the question, and provide an oath which all classes could take without injury to Protestant institutions, he would willingly assist them, and if they would give such a promise now, he would abstain from asking their Lordships to divide upon the second reading of the bill; but he could not consent to any alteration of the oath which did not provide for the security of the Established Church in Ireland, and for the maintenance of the Church property. He opposed the bill in its present shape, because it would open the door to a serious attack

upon the Irish Church, and he asked their lordships not to pave the way to such an attack by leaving the walls of the fortress absolutely undefended. For forty-three years he had raised his voice in parliament in defence of the interests of the Established Church, and he was not likely, for any fancied advantage to his fellow Roman Catholic subjects, to abandon those interests, now that he had reached the confines of old age.

Earl Russell, who was very imperfectly heard, was understood to say that it was not enough to remove from the oath those words which were offensive to those who were called upon to subscribe to the oath, without accompanying it with the removal of everything which at present formed a ground of substantial grievance. He thought the oath afforded no security to the Established Church which could not be given in a less objectionable form. At the present moment the legislature gave to Protestants the power of which they attempted to deprive Roman Catholics—namely, the power of objecting to the endowment of the Church Establishment, and of endeavouring to deprive the Church of her revenues, although Roman Catholic members were required to take the oath. The absurdity of the position in which parliament was placed was that the Roman Catholic constituency might elect Protestants who would have no hesitation in cutting off the revenues of the Church if a favourable opportunity arose. He thought that all members of parliament should be placed on a footing of equality, and should, after entering parliament, have the power of voting according to their own conscientious convictions with regard to that which they considered best for the general welfare. He regarded the oath as contrary to the intentions and views with which the Roman Catholic Emancipation Act was passed, and contrary to the spirit of the present age. He was surprised that the noble earl should express his concurrence in the legislation of 1829, and yet refuse to make the slightest concession to the progress of religious liberty. If the time should ever come when parliament should consider the maintenance of the Protestant Church Establishment was not necessary in Ireland, the flimsy security of two or three sentences in an ambiguous oath would be of no value whatever. The best course was to give to the Roman Catholics full and just liberty, and to rely upon the Protestant feeling of the country, and the convictions of parliament, as to what was

good for the country, and essential to the maintenance of religion and property.

The house then divided, when the numbers were—

For the second reading, ... ..	63	:
Against it, .....	84	:
<hr/>		
Majority .....	21	

The Earl of Derby, his followers, and his allies, have rejected Mr. Monsell's modest demands; and every Catholic—who, whether as a member of Parliament, or a town councillor, or a magistrate, or a student of Maynooth—for the future has to take this oath, ambiguous, and therefore perplexing to conscience—an oath imposed on no other subject of the Queen, and therefore a mark of political inferiority—will know, and will remember, that Lord Derby and his conservative friends and followers are those who compel him to harass his conscience and to accept a position unequal to the rest of his fellow subjects.

Lord Derby's speech is evidence of the tenacity with which the party will fight for the retention of every disability which still fetters the action of Catholics. For his own part he would consent to the excision from the present Catholic oath of certain passages which are simply offensive to Catholic feeling, but which impose no restriction on the political actions of the persons so swearing. He—differing in this from most of his followers—would have no objection to see expunged from it those portions which make the swearer declare that he does not believe the Pope can give a licence for the commission of murder, and declare that in taking the oath he is not practising any equivocation. But that portion of the oath which inflicts a disability on the Catholic member, which fetters his action as a legislator, which denies him a power accorded to the members of all other religious persuasions, and reduces him to a position of legal inferiority, *that* portion his lordship refuses to part with. He insists that Catholic members of Parliament shall still be sworn to abstain from all hostile interference with the Church Establishment. They shall not, if he can help it, be free to condemn and to vote against that admitted grievance, that incomparable nuisance, that flagrant robbery of the Irish nation. Men of all other creeds may be eloquent in denouncing it, enlightened English opinion may protest against it,

the world may go on repeating the expression of its wonder at the monstrous anomaly and injustice, Ireland may revolt against it—but yet Catholic members of parliament are to be bound to take no action in reference to it, save only such as may tend to strengthen and preserve the threatened institution! Such is the purport of Lord Derby's speech, such is the resolution affirmed by the House of Lords.

The figment of friendship between Conservatives and Catholics came to an end the moment it passed from the region of words to that of deeds; and yet it was but a very little concession which was demanded—one so small, that to have refused it shows how utterly false were all past overtures and negotiations of alliance. The statutes which have long ago admitted Roman Catholics to the legislature, force upon them still a degrading and humiliating oath, wherein they swear, first, that they do not consider they ought to assassinate her Majesty if the Pope suggests it; secondly, that they do not think it correct to break an oath; thirdly, that they will bear no part as representatives against the Established Church; and fourthly, that they will do nothing to infringe the settlement of property. The first two clauses in this asseveration have become so absurd, by happy lapse of time and force of practical loyalty, that even Lord Derby would consent to see them disappear. But in the name of all his party except the wire-pullers, he clings to the last two—that is to say, he is for still separating Roman Catholic members from all other members by forced abjurations which shut them out of many debates, and reduce “religious liberty” to a mere phrase. They will speak or vote against the Establishment, he says, if the oaths be abolished, and perhaps attack the existing settlement of property in Ireland. Of course they will assail the fortalice of an alien Church; and therein consists their duty of representing the constituencies which return them; but is that a reason why, having once set up freedom of faith as our law, and opened parliament to all religions, we should muzzle the mouth of one sect only? Do we force an oath upon Dissenters, who assail the Established Church, or upon Jews, who represent a religious idea which would cancel it altogether? “Of two things, one”—either the Roman Catholics have the right to be members of parliament, or they have not: they are in the house, they speak, they vote; but they are not yet “members,” if there are certain subjects upon which a jealous and

timid form of adjuration shuts their lips, and at the appearance of which they are practically obliged like "strangers, to withdraw."

Lord Derby has been true to the proud consistency of his life, but false to the tactics of his party; he has saved his political honour, but he has ruined Conservatism in the elections. The best hope which the Tories had, next to the stillness of the times, was in that long flirtation which they had carried on with the Roman Catholic interests. Mr. Disraeli played "Pandarus of Troy" in the business; he it was who once affirmed that Conservatives and Catholics were "natural allies;" and on more than one occasion he wooed the "Scarlet Lady" with such Parliamentary compliments and adroit ardour, that she really thought the intentions of the Tory party "were honourable."

The Earl of Derby, of course, deeply regretted "the sense of duty" which compelled him to oppose the measure. He gave up Mr. Whiteside's "compact," into which the Catholics were supposed to have entered in 1829. He took his stand on different ground—the impolicy of subverting "one of the leading principles of the great settlement of 1829, which was accepted as a full, satisfactory, and complete arrangement of all difficulties." It was never proposed in that sense or accepted in that sense. Does his lordship believe the Catholics of Ireland were satisfied with the penal clauses of the Act and accepted them as a complete settlement? These clauses, which made the members of the religious orders misdemeanants and classed them with outlaws and felons, never ceased to fill Irish Catholics with indignation. If his lordship's view of the unalterable character of the Emancipation Act were correct, these disgraceful clauses must be for ever the law of England, for they formed "one of the leading principles of that great settlement!" His lordship tells us that he maintains the kindest relations with his Roman Catholic tenants in England and Ireland. He makes no distinction between Catholic and Protestant. But as a politician he takes the same high Tory ground which he occupied on his secession from the Melbourne Government. He asks us to believe his opposition to the bill is not founded on unreasoning bigotry or hostile feelings against the Catholic Church. We are willing to believe him, but it matters little what his motives are, when he resists a measure so just and reasonable as the repeal of an oath which is supported



by only eighty-four of his own body! No petitions, we are told, were presented in favour of the bill. And he founds an argument—not a very confident one—on the absence of any popular excitement on the subject. What necessity for separate petitions when every city and borough in Ireland signed a petition for the abolition of all disqualifying oaths whatever, into which the smaller relief proposed by Mr. Monsell's bill merges? Ireland will not be satisfied with less than the total abolition of all such oaths.

Lord Derby has virtually said Catholics shall be debarred the privilege which is conceded to Protestant, Nonconformist, and Jew. He shall be fettered with exceptional restrictions, and his liberty of speech curtailed by an exceptional oath. If he should consider himself free by the terms of the oath to speak and vote in a particular way, will not Toryism shout "perjury," and will not Lord Derby point to the "historic names" and the conduct of their owners on similar occasions, to overwhelm with confusion the forsworn Catholic? We now know what he thinks of the "natural allies." They are thoroughly ferocious animals, affected with a disease called the *Ecclesiophobia*, and if you let them about without a muzzle they are sure to bite. So they must be tied up, if not in their kennels, at least with a stout muzzle in the shape of an oath, to prevent them from doing mischief. Lord Derby was never more felicitous than in his famous mad dog metaphor. To be sure, it was not very polished, but what it wanted in grace it made up in expression. Every person understands it. None can be at a loss about the meaning, and fail to catch the insult. Catholic members are compared to mad dogs.

Lord Derby, in this nineteenth century, in effect declares that the security of the Protestant Church in Ireland not only rendered the Penal Code necessary at the time of its enactment, but renders the remaining remnants of that code still essential to its safety.

What a terrible opinion would any rational Christian minded man have to form of the character of the Protestant Church if its maintenance and safety rendered such measures necessary as those which Lord Derby simply refers to as penal laws which the exigencies of the

Established Church in Ireland demanded, if he were merely to read the following exceedingly compendious

### ABSTRACT OF THE PENAL LAWS,

#### AND SUMMARY NOTICE OF THEIR ENACTMENT.

It was on the 3rd of October, 1691, that the treaty of Limerick, guaranteeing to the Catholics of Ireland their estates, privileges, immunities, such as they enjoyed them in the reign of Charles the Second, was ratified by King William. Will it be believed, that in nineteen days after that solemn ratification, the English Parliament passed the first of their penal statutes, by excluding Catholics from the Irish Houses of Lords and Commons! In four years after this first act of degradation, the Catholics were deprived of every means of educating their children, and were not allowed even to become their guardians. Their arms were next taken from them; and the priests were obliged to desist from the exercise of their functions, under pain of banishment. Such were the statutes—calculated to break and brutalize the Irish mind—which William, the very king who had pledged the nation's honour and his own faith for the security of their rights and privileges, inflicted on the Irish! Such was the policy which an English Whig Parliament—a Parliament that had so gloriously and so successfully struggled for the rights of Englishmen—thought wise and just to adopt towards a people whose only fault was too much loyalty, and whose sole crime was their creed!

The next in point of enormity of the penal statutes against the Catholics was in 1704, under Queen Anne; and it was then judged proper to attack their property, to add injury to insult, and poverty to degradation. The first step was taken to set the son against the father, (and this, reader, for the sake of religion!) by enacting that any son of a Catholic, who would turn Protestant, should succeed to the family estate; which from the son's conversion could not be sold or charged even with a debt of legacy. At whatever age, however young, the child declared himself a Protestant, that instant he was taken from his parent's roof, and delivered to the custody of some Protestant. No tie however tender, no claim however dear, was respected by those patriotic legislators;—those

statesmen who, more than any others that ever lived, boasted of their love of freedom, while they thus violated the most sacred rights of nature. Intermarriages between Protestants and Catholics were then forbidden; and no Catholic was suffered to purchase land or take a lease longer than 31 years. Should the profits of land leased even for so short a period be productive of more than a certain sum settled by the act, it belonged, as a matter of course, to the first Protestant that made the discovery. No Catholic could be the heir at law to any estate; but it was to pass on to the next Protestant heir, as if the Catholic were dead. If a Catholic died intestate, his son could not inherit, but his property was divided equally amongst his children. By this bill that clause was enacted which until lately operated with such depressing and disgusting effect, that clause which prevented Catholics from holding any office, civil or military. By it also they were forbidden to dwell in Limerick or Galway, except on certain conditions, and prevented from voting at elections.

One would imagine that in these ferocious enactments, the spirit of intolerant despotism had exhausted its invention; but alas! so fertile is malice, so full of merciless expedient is persecution, that the Irish had yet to suffer deeper and more bitter afflictions. Their minds were not yet sufficiently debased, their consciences not sufficiently outraged, nor their property enough plundered, so that in 1709 the mild lawgivers of Queen Anne went again to their work of oppression. It was then enacted that Catholics should not hold an annuity for life, and that the *converted* son of a Catholic father, by entering a certificate of his conversion in the court of Chancery, could compel the father to make a statement of his property on oath, and to grant him (his son) an allowance at the son's discretion. The wife of a Catholic, on turning Protestant, was entitled to an increase of jointure. Catholic schoolmasters were ordered to be prosecuted as convicts; and a reward of £40. per annum was held out to every priest who, in the midst of this suffering and this insult, would be base enough to desert his unfortunate flock. Rewards were also given by this act to those who would inform against the Catholic clergy; £50. for discovering a bishop, £20. for a common clergyman, and £10. for a Catholic usher. Any two justices of the peace were empowered to enforce information from any Catholic above eighteen years of age, under the

penalty of a year's imprisonment for refusing to answer. Thus were the bonds of civil society disregarded—thus was let loose against the virtuous and the conscientious, every profligate ruffian who preferred idleness and perjury to industry and honour! thus were the bad tempted to become the instruments of persecution, and the best of mankind proscribed as their victims! But we have not done. It was enacted in the same year that no Protestant could hold property in trust for a Catholic; and most iniquitously, that in any trial arising out of these statutes *all the jurors should be Protestants*. Catholics were also excluded from grand juries; and in any trial where the *Protestant interest*, as it was called, was concerned, a Catholic juror might be *peremptorily* challenged.

The house of Hanover succeeded to the throne after the death of Anne: but the ministers of George the First—the self-reputed champion of English freedom—were determined to persevere in her persecuting policy. In this reign a law was passed empowering any Protestant to seize the horse of a Catholic, let it be worth what it might, and keep legal possession of it on the payment of five pounds. Catholics were excluded from the petty offices of high and low constable. In Catholic towns they were obliged to provide Protestant watchmen; and it was again enacted that Catholics should not vote at elections.

George II. followed the same course of unrelenting persecution. In his reign, whatever little remnant of liberty remained with the Catholics was torn from them. They were prohibited from being barristers or solicitors; and if a Protestant barrister or solicitor married a Catholic, he was subjected to all the penalties attached to Catholics. The priest who celebrated a marriage between a Catholic and a Protestant might be hanged; and persons robbed by privateers during a war with a Catholic prince, were indemnified by levies raised on the Catholics only.

What Englishman of honest feeling, we ask, can read this abstract of tyrannical laws passed—not for the government, but—for the punishment and degradation of his fellow subjects in Ireland, without taking the business to his own breast, and putting to himself these questions:—If I were to be oppressed in the same way that those Irish Catholics are, could I reverence the laws that sanction such barbarities, or the power which administered them? And yet

people wonder that the Irish should be discontented !—those Irish who, till very lately, suffered the most galling pressure of the heaviest of these laws, and whose feet are yet bound in their lighter fetters. Some statesmen pretend to be astonished in the Houses of Parliament that those troublesome Irish, who, according to them, have no reason to be unhappy, should continue to complain. The hypocrite who loves his place better than his country—who sacrifices his honesty to his selfishness—who whines about the *danger of the church*, while he cares not if the church were at the devil—who prates about the safety of the constitution, while, by his intolerant policy he brings the state into fearful jeopardy ; such a hypocrite it is who asks *why the Irish are discontented*. But must not that be a besotted nation which can listen to and not execrate the whine and cant of such a hypocrite ? which will not raise its voice to terrify the profligate politician from the post for which he was so unfit ?

In the House of Commons, on the debate of the 12th of June, 1865, on the Roman Catholic Oaths Bill, Mr. Disraeli commenced his speech with some very remarkable observations on the proceedings of the government of which Lord John Russell was the leading member in 1851, when the Ecclesiastical Titles Assumption Act was introduced by his lordship on the occasion of the so-called “Papal aggression” denounced by him as an “insolent and insidious” proceeding, in his letter to the Bishop of Durham, of the 4th of Nov. 1850.

In June 1865, Mr. Disraeli and Lord John Russell are at variance on an important question affecting Roman Catholic interests, feelings, and matters of conscience. Mr. Disraeli condemns the proceeding in October, 1850, which resulted in a groundless Protestant panic and a penal law against the Roman Catholic hierarchies both of England and Ireland in the early part of 1851. And yet in the latter part of October, 1851, Mr. Disraeli and Lord John Russell bore a strong resemblance to each other in their polemical aspects, at least as these were influenced by the “inso-

lent and insidious aggression of the Pope on our Protestantism" at that period.

In the House of Commons, on the 12th of June, 1865, Mr. Disraeli rising to oppose the Roman Catholic Oaths Bill said :

" It appears to me that the unmistakable tendency of public opinion in the last few years has been to meet all the claims of our fellow-subjects in a spirit of rational conciliation: and I ascribe that general tendency of public opinion to causes which at the time were calculated to lead us to believe that a very different result would be brought about. I attribute it to those circumstances popularly known as the Papal aggression. Those who were in the House at that time will remember that what happened was really so misconceived—and I may be permitted, speaking historically, to add so mismanaged by the government of the day,—that it did appear there was a prospect before us of a prolongation of that religious rancour which it was the hope of the great majority of the nation had passed away. When the prime minister of the country appeared in his place in this House and informed us, with all the authority of his official responsibility, that, in the opinion of the Government, there was a decided Papal conspiracy against the liberties of Europe, and that those ecclesiastical arrangements were part and parcel of that conspiracy, it appeared to us all that we were approaching a period of religious exasperation that would probably disturb and darken a society which we had hoped had emancipated itself from that fatal influence. On the contrary, our expectations were happily disappointed, and the result of the event was exactly the opposite of what was expected. It clearly made the country much more tolerant than it was before, and that may be ascribed, I think, to this cause, that there was so unmistakable a demonstration of the Protestant feeling and sentiment of England, and especially there appeared to be a sentiment so profound, so fervent, and so extensive, in favour of our Protestant religion, that, when the hubbub was over and the excitement had subsided, there was a disposition to look to the claims of the Roman Catholics, not with distrust, but with the view to meet them with candour, and, if possible, in the spirit of conciliation."

It would appear that Mr. Disraeli's powers of

memory are not so strong as those of his imagination. An interval of fourteen years is sufficient to cause a curious partial state of obliviousness of his own opinions on a subject of grave public interest, while a vivid recollection of the sentiments at the same period of another person who is a political opponent of his, on the same subject, remains in his mind in all its freshness.

Lord John Russell, on the 4th of November, 1850, addressed his letter—memorably calamitous to his party and his reputation—to the Right Rev. the Bishop of Durham, on “The late insolent and insidious aggression of the Pope upon our Protestantism,” strongly expressive of his lordship’s indignation. Four days later than the date of that letter, on the 8th of November, 1850, Mr. Disraeli addressed a letter to the Lord Lieutenant of the County of Buckingham, “in reprobation of the recent assault of the Court of Rome on the Prerogatives of our Sovereign and the Liberties of her Subjects,” of which the following is an exact copy:

Hughenden Manor, 8th Nov. 1850:

My Lord,

I have received numerous appeals from my constituents requesting that I would co-operate with them in addressing your Lordship, to call a meeting of the county, in order that we may express our reprobation of the recent assault of the Court of Rome on the prerogatives of our sovereign and her subjects.

I think it very desirable that a meeting of the county should be called for that purpose, but as far as I can learn from what reaches me, great misapprehension is afloat respecting the circumstances, which now so violently but so justly excite the indignation of the country.

Men are called on to combine, to prevent foreign interference with the prerogatives of the Queen, and to resist jurisdiction by the Pope in her Majesty’s Dominions.

But I have always understood, that when the present Lord Lieutenant arrived in his vice-royalty he gathered together the Romish Bishops of Ireland, addressed them as nobles, sought their counsel and courted their favour. On

the visit of her Majesty to that kingdom, the same prelates were presented to the Queen, as if they were nobles, and precedence was given them over the nobility and dignitaries of the National Church; and it was only the other day, as I believe, that the government offered the office of visitor to the Queen's Colleges to Dr. Cullen, the Pope's Delegate, and *pseudo* Archbishop of Armagh, and to Dr. M'Hale, the *pseudo* Archbishop of Tuam.

What wonder then that his Holiness should deem himself at liberty to apportion England into Dioceses, to be ruled over by his bishops! And why, instead of supposing he has taken a step—"insolent and insidious;" should he not have assumed he was acting in strict conformity with the wishes of her Majesty's Government.

The fact is, that the whole question has been surrendered, and decided in favour of the Pope by the present Government: and the ministers who recognized the *Pseudo* Archbishop of Tuam as a Peer and a Prelate, cannot object to the appointment of a *Pseudo* Archbishop of Westminster, even though he be a Cardinal. On the contrary, the loftier dignity should according to their precedence, rather invest His Eminence with a still higher patent of nobility, and permit him to take the wall of his Grace of Canterbury, and the highest nobles of the land.

The policy of the present government is that there should be no distinction between England and Ireland.

I am therefore surprised that the Cabinet are so indignant, as a certain letter with which we have just been favoured, informed us they are.

I have made these observations in order, that if the county meets, the people of Buckinghamshire may understand that the question, on which they will have to decide is a graver, deeper, and of a more comprehensive character, than in the heat of their laudable emotion they may perhaps suppose.

I have the honour

to be, my Lord,

Your faithful servant,

B. Disraeli.

To the Lord Lieutenant of the County of Buckingham.



Can the gentleman who was member for Buckinghamshire in 1851, of the name of Disraeli, exceedingly anti-Catholic in his sentiments, be the same person who represents that county in 1865, of "the same name but of a softer nature," in the feelings he professes to entertain towards Catholics?

The political career of Mr. Disraeli furnishes a remarkable instance of the phenomena of double consciousness and double personality, or rather of the complex notion of that rare ideal combination of characters seemingly entertained by a person who is not a chewer of opium, or a smoker of *hashis*, or a dreamer of dreams, such as spiritualists are blessed with who go in and out of personal identity with the same facility that a lady of boundless crinoline glides through a crowd or emerges from a narrow porch. But there is nothing so pliant, compressible, and elastic as crinoline, except the conscience of a politician who would be in office *per fas aut nefas*.

#### LORD DERBY AND THE ROMAN CATHOLICS.

Dr. Bakewell, of Hanley, a Roman Catholic supporter of Mr. Beresford Hope, having communicated to Lord Derby the indignation felt by his co-religionists at the offensive expressions used by the noble lord in the recent debate on the Roman Catholic Oaths Bill, his lordship has forwarded the following explanation:—

St. James's-square, July 4th, 1865.

"SIR—I have to acknowledge the receipt of your letter of the 2nd, inst. Absence from town during the whole of yesterday prevented my replying to it by return of post. I should be very sorry that any vote or speech of mine should prejudice the interests of a Conservative Candidate at the approaching elections; but I should be still more so if any expression used by me should give just cause of offence to any of my fellow-countrymen. Nothing undoubtedly was further from my thoughts on the occasion to which you refer. As to the vote itself, I should have been most happy, as I distinctly stated, to relieve the Roman Catholics from the

obligation of disclaiming principles the imputation of which they feel to be offensive to them, and from the disclaimers of which Protestants have (very recently) been relieved; but I could not consent hastily, and without knowing the feelings of Protestants generally, to abrogate an oath which was introduced, and on the proposition of the highest Roman Catholic authorities, as a safeguard to the Established Church. The government refuse to separate the two, and allow the first to be repealed, without the repeal of the other also; and I therefore feel that I had no alternative but to give what I admitted was a reluctant vote against the second reading of the bill.

"As to the particular expression to which you refer as having given umbrage, any one who will do me the favour of looking at my speech will see that if there were anything offensive in the expression I am not responsible for it, but that I referred to it as having been a phrase which I characterized as being 'more forcible than elegant,' or some such expression, introduced by Mr. Kennedy, a member of Parliament recently returned for an Irish county, and mainly by the influence of the Roman Catholic clergy, and who clung so perseveringly to the expression that when replied to as having spoken of 'unlocking the lips of members,' he interrupted by saying, 'the words I used were—unmuzzle the senators.' Quoting his words, I followed up his metaphor. I certainly, however, should not have done so had I imagined that it would be capable of an offensive interpretation; and I should greatly regret to find that it had wounded the feelings of any class of my fellow subjects.

"You are at liberty to make any use you think fit of this letter.—I am yours, &c.

"DERBY.

"R. H. Bakewell, Esq., M.D."

The perplexity in which Lord Derby's desperate consistency, and the unavailing fidelity of his first love for a political institution, in the garb of a religious one, the Irish Established Church, involved Mr. Disraeli when he stood up, *malgré lui*, in the House of Commons on the 13th of June 1865, to oppose the Oaths Bill, was extremely and painfully obvious in the laboured and futile efforts made by him to make it appear that he grounded his opposition to Mr. Monsell's measure to a consider-

able extent on the deep interest he took in the real welfare in the Church of Roman Catholics. He said:—

The right. Hon. gentleman, (Mr. Monsell) now asks us to repeal the Roman Catholic oath. The Roman Catholic oath, as it now exists, contains nothing which a gentleman might not take. No one can for a moment pretend that a gentleman of the highest honour and nicest feeling might not take it, and if I were a Roman Catholic I would never have hesitated for a moment to take that oath, though I might approve another form of oath. Still I could not find in the oath as it exists at present any obstacle to my taking my seat in this House. When you come to the question of taking an oath to the Constitution, difficulties immediately arise. Part of that Constitution is the Church. We have in this House a great many questions discussed and a great many motions made by which the interests of the Church and what I hold to be the constitutional privileges of the Church are called in question, and we have contended—I among others have contended—against anything that diminishes the status of the Established Church in our constitutional system; but I have not done that because I think that—to use a vulgar phrase which is often thrown at our heads, “the Church is in danger.”

“If you ask me whether I think that the Established Church depends for its security upon any oaths that can be taken in any place, I candidly confess that I should have very little confidence in the future of the Established Church of this country if it depended upon these oaths. I do not think that the Established Church in this country depends at all upon these oaths. Nor can I take that view of the Established Church in Ireland, which, to my astonishment, is sometimes taken even by its friends. It is sometimes spoken of as a weak institution, and one which is in great peril. I think it a strong institution. (Hear). I have no doubt that from the causes which I have indicated the Established Church in both countries will flourish and will increase in influence and authority. But if you ask me what will be the consequence at this time, especially in the face of the motions that have been made in this House, of the associations which are still formed in Ireland, and of the feeling prevalent upon these matters throughout the country generally, of Parliament coming forward and agreeing to the

omission of language which was certainly introduced, and formally introduced, into these documents with a view, if not of defending the Established Church, at least of showing that the Parliament of England was resolved to recognise and maintain its authority—if you ask me what will be the consequences of such action in England, I reply that I believe they will be important and disastrous, especially to Roman Catholics themselves. (Hear, hear.) I believe that it is a course which will be more calculated to revive that religious rancour which it has been the object of our policy for more than a quarter of a century to mitigate, to lead to exacerbation of feeling upon these matters, and to give authority to those unfounded statements which are often made with regard to the conduct and objects of Roman Catholics than any other that could be pursued. Under these circumstances I can have no hesitation as to the course which I shall pursue. I support the motion of my hon. and learned friend for the retention of these words, and I do so, not because I believe that their retention is necessary for the maintenance of what is, next to the Throne, the strongest institution in the country, but because I believe that if there is created in the country a general opinion that Parliament has formally renounced its allegiance to the Established Church of this country, such a sentiment of alarm, and perhaps of indignation, will be excited that that policy which I have always supported, and wish to support—namely, meeting the religious claims of our Roman Catholic fellow-countrymen in a spirit of rational conciliation—will be greatly obstructed and endangered.”

Nevertheless, Mr. Disraeli is the lieutenant of a leader who has no description of Rome, better calculated to conciliate Catholic support, than that in which he holds it forth as “the plague-spot of Italy.” If Rome were, indeed, the plague-spot of Italy, as Lord Derby would have his countrymen believe, she could hardly have a more suitable rampart than that which Mr. Disraeli has provided for her—the Irish Church establishment. It was in attempting to breach this providential rampart of the Papacy that the Irish Catholics, by allying themselves for the attack with politicians who exclude Mr. Disraeli’s friends from power, have helped, as that gentleman alleges, to destroy the temporal, and nearly to destroy the spiritual, power of the Pope. “Thirty years ago,” says Mr. Disraeli, “Roman Catholic interests made a

partnership with modern Liberalism, the object of which was the destruction of the Established Church in Ireland. \* \* What, he might ask his colleagues, had been the effect of the alliance upon their Church? They had destroyed or endangered the temporal power, and in some degree endangered the spiritual power, of that ancient throne, the fall of which he should, for the sake of European peace, and for the considerations connected with this country, greatly deplore." This reads, we need not say, like double dealing, and is so beyond a doubt; but it is trash with a design, and the design is worth uncovering. Mr. Disraeli totally disavows everything bordering on Protestant partizanship. We can hardly say that he stands forward as the impartial and unbiassed arbiter between conflicting creeds and Churches, for he professes throughout an affectionate leaning towards the creed in which he does not believe, and the Church of which he is not a member. For his own part, it is only in the hypothetical character of "an enlightened Roman Catholic," that he can bring himself to discuss the question. He assures his Roman Catholic colleagues that he honours their ancient faith and venerable creed to which they adhere. He is a firm friend both to the temporal and spiritual power of "an ancient throne," and thinks it much "to be regretted" that events should have impaired the stability of either.

When Sir John Gray and Alderman Dillon brought forward in the Dublin Corporation, the question of the grievance of obnoxious oaths affecting Roman Catholics, they were, of course, very well aware that was only one of many grievances under which Roman Catholics labour in these countries, and that one not the worst of the old remnants of penal law barbarity that still disgrace the statute book and the character of British rule. It was one, however, so obviously unjust, useless, and indefensible, that it appeared to them impossible it could be opposed and defeated by any party in parliament.

In that opinion they have been mistaken, and should not be sorry for having been so. No doubt they cheerfully accept all the consequences of Lord Derby's successful opposition to it, accept all the obligations the rejection of that one remnant of penal law barbarity imposes on them, and ought to impose, I will add, on

every man who reverences good government, who hates injustice done, maintained, or defended in the name of religion. They must feel on this subject as the advocates of reform felt when the Duke of Wellington, unfortunately for his fame and claim to the character of a wise statesman, made his ill-advised declaration, "that no parliamentary reform was needed in those countries, and that no such measure could ever have his sanction."

November the 2nd, 1830, the Duke of Wellington made his unfortunate declaration in the House of Peers, that the representative system of the country could not be improved, and that he was determined to oppose any measure of reform that might be brought forward. In fourteen days from that time the Duke of Wellington had ceased to be prime minister, and Lord Grey was his successor.

The advocates of a small measure of reform became immediately the advocates of a large one; not one rotten borough was abolished, but the whole rotten borough system at one fell swoop was swept away.

So shall it be with all remnants of penal code barbarity, not one portion of it, but all the unrepealed penal laws affecting the consciences, the feelings, and the interests of Roman Catholics, material, moral, and intellectual; they shall continually be forced on the attention of parliament and with such renewed importunity and evidence of determination to have just demands conceded, as must convince even Lord Derby, they cannot be resisted. Insolently and unjustly as the Catholic members of parliament were recently dealt with by his lordship in his speech against the oaths bill, when he expatiated on the dangers to the Irish Established Church, of "unmuzzling the Catholic senators," and enlarged on that happy idea of likening Roman Catholic representatives to dogs, it would be dangerous to the sacred interests of Protestant truth, to allow at large; still not less arrogantly have they been dealt with by his lordship in his more recent reference to the same subject, in his letter purporting to explain

away the offensive language he had used in the House of Peers on that occasion.

It remains for Roman Catholics to take advantage of the blunder of Lord Derby in 1865, as the Reformers did of that of the Duke of Wellington in 1830, to set on foot an agitation not for the redress of a single grievance, but for all the wrongs they have too long endured, but are now resolved shall endure no longer with peace to any party or advantage or security to the interests of England at home or abroad.

That agitation must be for the removal of every vestige of Penal Law, oppression, and injustice. The most important disabilities and grievances are here referred to in the order of their importance.

1. The 10th of George IV. Chap. 7, of 1829, called "An act for the relief of his majesty's Roman Catholic subjects," has re-enacted or rendered more stringent numerous remnants of the old code of penal laws which have been elsewhere specified in this work. The worst of them are to be found in the 28th, 29th, 30th, 31st, 32nd, 33rd, 34th, 35th, and 36th, sections of that relief act of 1829. These sections are fraught with more crying injustice and intolerable tyranny than all the others: they outlaw the members of the Religious Orders in Great Britain; they not only deprive them of the right of existence in their native land, and of all legal rights to property, to civil as well as religious liberty, but subject them to the penalty of transportation, and make their return to their own country after removal from it—a felony.

A recent decision of the Law Chancellor of Ireland places the members of religious orders in this country in the category of outlaws, who have no claim to legal protection, to a status in society, or the enjoyment of civil rights.

The country had almost forgotten, until this judgment was delivered, that the Emancipation Act of 1829—which enables Catholic gentlemen to enter Parliament, to sit on the judicial bench, and to compete for almost all other places of honour and emolument in the state

—was an act of disfranchisement for all subjects, who, however loyal and otherwise deserving, should dare thenceforward to exercise the rights of Christian conscience by professing the observance of the Gospel counsels, as reduced to a practical system in monastic life. Such a law of the British legislature is antichristian in principle, an ordinance of unmerited persecution, a dark stain on the charter of Catholic liberties, and, as to any real effect on Conscience, neither to be respected nor obeyed.

Such are the Sections of the Roman Catholic Relief Act of 1829 which outlaw the members of the religious orders of the United Kingdom.

It is very extraordinary that persons of intelligence and education, members of the Roman Catholic Church, and even professional men belonging to it in Ireland, throughout the country, who have been consulted by persons in matters relating to the disposal of money for charitable or pious uses by bequest, appear to be entirely ignorant of the act that no legacy is valid, of money bequeathed to a member of a religious order for purposes connected with the maintenance of his order either specified in writing in a will, or merely left to him by name, for instance thus expressed—"I bequeath the sum of one hundred pounds to the Reverend John Jones, of No. 35 Dominick Street." Although no purpose of applying this money to the maintenance of the Dominican Order, of which the Rev. John Jones is a member, is specified in the will, nevertheless if it can be proved in a court of equity on the examination of the Rev. John Jones that the testator had left that money to him in trust for a pious use in connexion with the maintenance of a religious order, and by word of mouth or by message sent to him by the testator, that the bequest of £100 had been made to him for that object, the bequest would be illegal. Within a period of four or five months the Lord Chancellor of Ireland has not only declared from the Bench that such was the law of the land, but he has acted on it, and declared a bequest so made in trust to the Reverend Mr.



Conway, a member of the Dominican Order, was void and of no effect.

Such is the effect of the Clauses in the Relief Act of 1829, and of a similar Clause in the Charitable Bequests Act of 1844, which outlaws members of the religious orders in Ireland and deprives them of all civil rights. Till those iniquitous Clauses be repealed there can be no pause in agitation.

2. The Act 7 and 8 Victoria 97, "An Act for the more effectual application of Charitable Donations and Bequests in Ireland" of 1844, has two Clauses, the 15th and 16th, carefully concocted for the purposes of bigotry and hostility to the Roman Catholic Church and religion.

This Act recites the insufficiency for the security of Bequests of two previous Acts "for the better discovery of Charitable Donations and Bequests," one of the 3rd year of George III., and the other the 40th year of George III., and the repeal of said Acts.

By this new Act a Commission is appointed, consisting of the Master of the Rolls, the Chief Baron of the Exchequer, and the Judge of the Prerogative Court for the time being presiding in the several Irish Courts, together with ten other proper and discreet persons appointed by her majesty in council, of which ten persons five and not more than five shall at all times be persons professing the Roman Catholic Religion, who shall constitute a body politic and corporate by the name of "The Commissioners of Charitable Donations and Bequests for Ireland."

To this body the power is given by Sections 2 and 12 of suing and recovering concealed or misapplied Bequests, and applying the same to the objects and purposes of testators.

The 6th Clause provides that the considerations of all charitable bequests in which any question shall arise before the Commissioners concerning the usages or discipline of the Established Church of England and Ireland, or of any nonconformist body, shall be referred to a Committee of the Commissioners who are protestants:

and in like manner, that the consideration of all charitable donations and bequests and of matters relating to them in which any question shall arise before the Commissioners concerning the usages or discipline of the Church of Rome, shall be referred to a committee of said Commissioners consisting of Roman Catholic members of said Commission, and whenever any reference or intended specification of any usage or discipline of the Church of Rome is made in a bequest but has not been defined with legal certainty in the will creating the trust, the same shall be referred to the special committee above mentioned, who shall certify to the Commissioners at large who the parties are who are duly entitled according to the usages, discipline, and intentions of said Church to take the benefit of such charitable bequests with a view to the due administration of the trust according to the true intent and meaning of the donor: "And the Commissioners shall receive every such certificate as evidence of the facts certified, and shall give effect to such donation, devise or bequest accordingly so far as the same may lawfully be executed according to the provisions of the act: provided always that nothing herein contained shall be construed to limit or affect the jurisdiction of any Court of Law or Equity."

A great deal of error prevails in the minds of persons outside the legal profession, respecting bequests made for what are termed pious uses. For the court of Chancery, or any judge thereof, sitting at Chambers in exercise of the jurisdiction created by the English Charitable Trusts act of 1853, on the application of the Attorney General or any authorized person on the part of the Board of Charity Commissioners for England and Wales, to apply the portion of the property bequeathed for lawful charitable purposes, to the trusts declared by the Testator and the residue of the charitable bequests, for purposes which are held to be superstitious, in lieu of these shall be applied to charitable purposes, which are legal for the benefit of persons professing the Roman Catholic Religion; as the said Judge in

Chancery, or the said Board of Commissioners may determine, under such circumstances, to be most just.

It is very commonly and erroneously supposed in Ireland that bequests for such purposes, for instance, as Masses for the repose of souls, is invalid. This error is to some extent attributable to an act 23 and 24 Vict. ch. 134 entitled: "An act to amend the Law regarding Roman Catholic charities," passed in 1860.

The operation of that act, however, "concerning charities relating to or connected with the Roman Catholic Religion," extends only to England and Wales.

The 1st Clause provides that charitable bequests, for *lawful* purposes, shall not be invalidated by the addition of unlawful ones, or trusts that are held to be illegal, being deemed superstitious, but that the whole amount of property bequeathed may be apportioned and applied to lawful charitable purposes, unto charities in connection with the religion of the testator that are lawful. In such cases, bequests deemed superstitious shall be lawful. Hence, the law relating to charitable and pious bequests is not the same in Ireland as it is in England. In the act now in force for the regulation of matters relating to charitable bequests in Ireland, there are two Clauses, which operate injuriously to the intentions of Testators of the Roman Catholic Church in regard to the bequests for charitable and pious uses.

The 15th section of the Irish charitable Bequests act of 1844,—(7 and 8 Vict. ch. 97) provides that no person shall have the power of bequeathing property of any kind by Will, or disposing of the same by deed—in trust for building, enlarging, upholding or furnishing any chapel or place of religious worship, of persons professing the Roman Catholic Religion, of any religious order, and that nothing in that act "shall be construed to render lawful any donation or bequest to or in favour of any religious order, community or society of the Church of Rome bound by monastic or religious vows, or to, or in favour of any member or members thereof." &c. &c. &c.

The 16th section of the same act (6 and 7 Vict. ch. 97) enacts, "that after the passing of that act, no Donation, Devise, or Bequest for pious and charitable uses in Ireland, shall be valid to create or convey any estate in lands, tenements, &c., for such uses, unless the deed will, or other instrument containing the same, shall be duly executed three calendar months at least before the death of the person executing the same, and unless every such deed or instrument, not being a will, shall be duly registered in the office for registering deeds in the city of Dublin; another three calendar months after the execution thereof."

Till both clauses of the act for "Application of charitable Donations and bequests in Ireland" be repealed, there can be no pause in agitation.

3. The Irish Roman Catholic Relief Bill of 1793, repealed some of the most barbarous of the penal laws relating to mixed marriages. It ceased to be a capital felony for a priest to solemnize a marriage of a Catholic with a Protestant. But the iniquitous character of the provisions of that act invalidating marriages between Protestants who had made any declaration of being such, or done any overt act that afforded evidence of it within a period of twelve months of the date of such marriages, such as attending a Protestant place of worship, or conforming to any religious usage or rite of the Protestant Church, and Catholics remained unchanged, and continues so to be, as the unfortunate victim of Major Yelverton's profligacy knows to the cost of her peace of mind, her conjugal rights and principles.

It is true that in 1833 a statute was passed for the repeal of some old acts prohibiting certain marriages by Roman Catholic clergymen, (3 & 4 William IV., c. 102). But though ecclesiastics were relieved from liabilities incurred by offences previously dealt with as felonies, the great evil above referred to remained untouched by the repeal of some of those marriage acts above mentioned, which Acts have been referred to at length elsewhere.

The Act 3rd George I. chapter 8, made it a capital felony for a Roman Catholic priest to marry two Protestants, or a Protestant and a Roman Catholic.

The act 19th of George II. chap. 13, declared marriages between Protestants solemnized by a Roman Catholic priest void, and imposed heavy penalties on the offending priest.

The act 32nd George III. chap. 21, allowed Protestants and Roman Catholics to marry, such marriages being solemnized by Protestant clergymen, without censure or penalty being thereby incurred.

The act 33rd George III. chap. 21, did away with all penalties and disabilities for solemnizing marriages of Protestants and Roman Catholics, provided the marriage was not first solemnized by a Roman Catholic priest.

By the Act 3rd and 4th of William IV. Chapter 4, so much of the rigorous enactments against Roman Catholic priests for solemnizing mixed marriages were repealed as those of the 6th of Anne Chapter 16, the 12th of George I. Chapter 3, the 23rd of George II. Chapter 21, which makes it felony for Roman Catholic Clergymen to celebrate marriages between Catholics and Protestants.

But this very partial Relief Act of William IV. Chapter 4, was not intended to affect marriages prior to act while repealing others, nor to make valid marriage ceremonies not valid by existing laws, nor to repeal existing enactments against marriages in such cases as those of Major Yelverton, a professing Protestant, within twelve months of the date of marriage with a Roman Catholic lady.

Till that iniquitous state of the law which regulates marriages between Catholics and Protestants, and leaves it in the power of Protestant libertines to repudiate Catholic wives in such circumstances as those of the invalidated marriage of Major Yelverton with Miss Longworth, there should be no pause in agitation.

4. The Roman Catholics of Ireland, who constitute the great majority of the inhabitants of the country, are virtually denied the right of freedom of education, and practically shut out from all state countenance and support; for the University established by them, Protestants, who form not a fourth part of the population, are in

possession of a University which enjoys not only the countenance, patronage, and protection of the state, but an income which it derives from its bounty of nearly seventy thousand a year.

The Roman Catholic University derives no support from the State. It has been denied a charter. Its degrees are not recognized by those superior institutions of the realm which have patronage and preferments at their disposal. Henceforth the humble supplication of a charter for that University timidly addressed to the legislature must assume the character, tone, and dignified spirit of a just demand that could not be denied by a government who set a value on the dispositions of a people who when ruled with justice had benefits to be grateful and loyal for.

Till such time as a charter be conferred on the Catholic University there can be no pause in agitation.

Let it be borne in mind that on the 10th of February, 1847, "A Bill for the further repeal of enactments imposing pains and penalties upon Her Majesty's Roman Catholic subjects on account of their religion, was prepared and brought in by Mr. Watson, Lord John Manners, and Mr. Escott." The preamble recites the existence of eight penal laws against Catholics left unrepealed by the Relief Bill of 1829, the further repeal of act in the eighth year of Queen Victoria, and the subsequent one in the tenth year of the same reign.

This bill contained a clause for the repeal of the provisions of 10 George IV. c. 7, prohibiting Roman Catholic ecclesiastics, or members of monastic orders, from performing the rites of their Church, except within their churches, or wearing the habits of their orders; and also prohibiting laymen from being present in any place of worship other than that of the Established Church, wearing the insignia or any peculiar habit of their office.

The Bill was rejected by a majority of 89.

5. It is not by doing away with a single formula of an offensive test, an obnoxious oath (such as that which

Mr. Monsell lately endeavoured to accomplish) injurious to the faith and insulting to the feelings of Roman Catholics who are members of Parliament, that the multifarious grievances are to be got rid of, which Sir John Gray and Alderman Dillon so ably made the public conversant with in the Dublin corporation, the monster grievance of fanatical hostility to Catholicism, displayed in every obnoxious oath and offensive test imposed on Roman Catholics in municipal institutions, in various places of trust and offices of state, and oaths injurious to the faith of Catholics, exacted from the Protestant occupants of the highest posts in the government.

Such, for instance, as that oath in which each incoming viceroy swears that the religion of the people he is sent to rule over in this land—is “*Superstitious and Idolatrous* !”

Protestant members of Parliament who are called on to swear that the faith of their Roman Catholic fellow members, fellow subjects, and fellow men, is damnable and idolatrous, is that which a very large number of them believe it is not. The Protestant Viceroys of Ireland, Lord Chancellors, and some other of the highest dignitaries of State, who are called on when they assume these exalted positions to swear the religion of the people, whose well-being, whose best and dearest interests are committed to their charge, is idolatrous and superstitious, are required in most instances, I feel entirely convinced, to do violence to their principles as well as to their feelings.

Till Protestants are relieved from the wrong done to them by requiring such oaths to be taken by them, there should be no pause in the new agitation for the repeal of the last remnants of Penal Law injustice.

The Catholic people of Ireland, with an earnestness and energy of purpose, voice, and will, if I am not egregiously mistaken, that have been unknown since the disappearance and the downfall of the power of O'Connell, will demand the abrogation of the laws which impose those mischievous and most useless tests.

6. It is not necessary here to enter into a detailed account of the "Act to prevent the Assumption of certain Ecclesiastical Titles in respect of places in the United Kingdom," 14 and 15 Vict. chap. 60. (August 1851.) That has been done elsewhere in this work. But it is essential to a due understanding of the additional rigour of the legislation against ecclesiastical dignitaries of the Church of Rome of the 24th section of the Emancipation Act of 1829, by the new enactment of the 14th and 15th of Vict. chap. 60, against the assumption of ecclesiastical titles of 1851, to direct attention to the following clauses in the last named act.

In the preamble it is stated that as Roman Catholic ecclesiastics had assumed the titles of archbishops and bishops of pretended sees or dioceses and provinces, under colour of an alleged authority given to them for that purpose by certain briefs, rescripts, or letters apostolic from the See of Rome, and particularly by a certain brief, rescript, or letter apostolical, purporting to have been given at Rome, on the 29th of September, 1850. And whereas by the act (of 1829) 10 Geo. IV. chap. 7, sect. 24, after reciting that the Protestant Episcopal Church of England, the Protestant Presbyterian Church of Scotland, had the exclusive right settled and established by law, to assume the name, style, and title of archbishop or bishop of any see, and the dean of those Established Churches in England or Ireland, the name, style, of dean—any person not duly authorized who should assume such title should forfeit a sum of £100. And whereas it may be doubted whether the said 24th clause of the act of 1829, extends to the assumption of the title of archbishop or bishop of a pretended see, city, place or territory, or that of dean of any pretended deanery in England or Ireland, not being the see, or province, or diocese of any archbishop or bishop, or the deanery of any dean recognised as such by law: but in fact an attempt to establish, under colour of authority from the See of Rome, such pretended sees, dioceses or



deaneries, and therefore illegal : and whereas it is expedient to prohibit the assumption of such titles within the United Kingdom, it was therefore enacted :—

Sec. 1.—That all such briefs, rescripts, or letters apostolical, and all jurisdiction, authority, and titles conferred thereby, are deemed unlawful and void.

Sec. 2.—That persons procuring, publishing, or putting in force any such brief or instrument purporting to constitute prelates of any pretended sees within our United Kingdom, not duly authorized by law to assume such titles in any place whatsoever, shall forfeit for every such offence £100. at the suit of any person in one of the superior courts of law, “with the consent of Her Majesty’s Attorney General or of Her Majesty’s Advocate in Scotland, as the case may be.”

This act, worse than a legislative crime—a blunder—would have been infinitely worse and far more wicked if the last Tory Lord Chancellor,—Lord Derby’s Tory Chancellor, Lord Chelmsford—had succeeded in giving any private informer the unqualified right of prosecuting prelates of the Roman Catholic Church for a violation of the second clause of this act.

The consent of the Attorney General to any such prosecution on the part of a private informer, as required by the terms of the second clause, in point of fact nullified the monstrous insolence and intended wrong of Lord Chelmsford’s original amendment.

But even as this act exists on the statute book, if it were put in operation, and capable of being carried fully and rigorously into effect, the Catholic religion could not be carried on without results that would justify a people in proceeding to measures that would be incompatible with peace and order, or the reverence for government that any people ought to feel who were ruled with justice.

A law that is so opposed to the rights of religious liberty as this Act is, that would render it impossible to administer the government of the Roman Catholic Church in the United Kingdom if it were put into

operation, ought not to be suffered to remain on the statute book.

Spanish slave law jurisprudence has an axiom that applies to the jurisprudence of all Christian countries. Laws which have no executive principle in them, which are so flagrantly cruel and unjust as to be inoperative, are null and void, and binding on no man's conscience.

In the new agitation which Lord Derby's late declaration against the removal of a single remnant of the infamous Penal Code shall have inaugurated, the interests of true religion, of perfect liberty of conscience, and Christian charity, demand there should be no pause.

Till such time as <sup>all existing Penal Laws</sup> ~~they~~ are abrogated, no good man should desire there should be a pause in agitation.

The circumstances must not be forgotten in which the Ecclesiastical Titles Bill had its origin.

In 1850 the Conservative champions of the Protestant Church in England set up the old Cromaboo cry of their party, "The Church is in danger!" on the occasion of Dr. Wiseman assuming the title of Archbishop of Westminster, and twelve other Roman Catholic prelates taking the titles of bishops in England.

The intimation of this new arrangement of Roman Catholic Church Government, which in no respect or degree interfered with that of the Established Protestant Church government, was made the 7th of October, 1850.

The violent commotion which was the result of the outcry against the so-called Papal Aggression on the part of the leaders of the Conservative party called forth a communication from the new Bishop of Birmingham, Dr. Ullathorne, addressed to the Times, dated 22 October, 1850, explaining the harmless nature of the recent arrangements of the Roman Catholic authorities for the government of their Church.

The dates of documents are very important in the

consideration of the question of the Papal Aggression and the Protestant Church panic of this period.

The letter of Dr. Ullathorne had the effect only of increasing the violence of the leaders of the Conservative party, who were regarded as the champions of the Established Church. Their denunciations of "the Pope and his aggression" became more vehement, violent, and virulent than they had yet been. At this stage of the new No Popery phrenzy, Lord John Russell thought it was prudent and politic and practicable to take the wind out of the sails of Conservative fanaticism. Out came the letter of his lordship to the Bishop of Durham, the 4th of November, 1850, and four days later out came the letter of Mr. Benjamin Disraeli to the Lord Lieutenant of the County of Buckingham, dated November 8th, which commences with the following paragraph :

"My Lord,—I have received numerous appeals from my constituents requesting that I would co-operate with them in addressing your lordship, to call a meeting of the county, in order that we may express our reprobation of the recent assault of the Court of Rome on the prerogatives of our sovereign, and the liberties of her subjects."

So by Mr. Disraeli's own showing he had been necessarily for several days previously to the date of his letter, the 8th of November, 1850, in communication with his constituents on the subject of "the Papal aggression," which he states was then "so violently but so justly exciting the indignation of the country."

But although Mr. Disraeli had been receiving "numerous appeals" from his constituents "in reprobation of the assault of the Court of Rome on the Church of England and the prerogatives of our sovereign, and the liberties of her subjects, he did not comply with the urgent prayer of those appeals to have a county indignation meeting called till sufficient time had been given to the letter of Lord John Russell to the Bishop of Durham to have it held responsible for

all the after consequences of that absurd agitation which even Mr. Disraeli has recently condemned in his speech against Mr. Monsell's Oath Bill, the 12th June, 1865.

## APPENDIX.

## No. 1.

THE ECCLESIASTICAL TITLES ASSUMPTION ACT OF 1851,  
AND SO CALLED PAPAL AGGRESSION.

In August, 1850, the late Dr. Wiseman was summoned to Rome by the present Pope to consult on the re-establishment of the English Catholic hierarchy, and on the 29th of September following, the apostolic letter, proclaiming that the hierarchy was established was issued. It was on that occasion that Dr. Wiseman was raised to the dignity of cardinal. The first step taken by Cardinal Wiseman in relation to that measure of the Pontiff, called forth a denunciation not only of it, but also of the rites of the Roman Catholic Church, as superstitious mummeries, on the part of Lord John Russell, unfortunately for his fame, not likely to be forgotten. But as it is not so often recalled as it ought to be, it is now laid before my readers.

## LORD JOHN RUSSELL'S LETTER

*To the Bishop of Durham on Papal Aggression.*

My dear Lord,—I agree with you in considering “the late aggression of the Pope upon Protestantism,” as “*insolent and insidious*,” and I therefore feel as indignant as you can do upon the subject.

I not only promoted to the utmost of my power the claims of the Roman Catholics to all civil rights, but I thought it right and even desirable that the ecclesiastical system of the Roman Catholics should be the means of giving instruction to the numerous Irish immigrants in London and elsewhere, who without such help would have been left in heathen ignorance.

This might have been done, however, without any such innovation as that which we have now seen. It is impossible to confound the recent measures of the Pope with the division of Scotland into Dioceses by the episcopal Church, or the arrangement of districts in England by the Wesleyan Conference.

There is an assumption of power in all the documents which have come from Rome—a pretension to supremacy over the realm of England, and a claim to the sole and undivided sway, which is inconsistent with the Queen's supremacy, with the rights of our bishops and clergy, and with the spiritual independence of the nation, as asserted even in Roman Catholic times.

I confess however that my alarm is not equal to my indignation.

Even if it shall appear that the ministers and servants of the Pope in this country have not transgressed the law, I feel persuaded that we are strong enough to repel any outward attacks. The liberty of Protestantism has been enjoyed too long in England to allow of any successful attempt to impose a foreign yoke upon our minds and consciences. No foreign prince or potentate will be permitted to fasten his fetters upon a nation which has so long and so nobly vindicated its right to freedom of opinion, civil, political, and religious.

Upon this subject then, I will only say that the present state of the law shall be carefully examined, and the propriety of adopting any proceedings with reference to the recent assumption of power, deliberately considered.

There is a danger, however, which alarms me much more than any aggression of a foreign Sovereign.

Clergymen of our own Church, who have subscribed the Thirty-nine Articles, and acknowledged in explicit terms the Queen's supremacy, have been the most forward in leading their flocks, "step by step, to the very verge of the precipice." The honour paid to saints, the claim of infallibility for the Church, the superstitious use of the sign of the cross, the muttering of the Liturgy so as to disguise the language in which it is written, the recommendation of auricular confession and the administration of penance and absolution—all these things are pointed out by clergymen of the Church of England as worthy of adoption, and are now openly reprehended by the Bishop of London in his Charge to the clergy of his diocese. What, then, is the danger to be appre-

hended from a foreign prince of no great power, compared to the danger within the gates from the unworthy sons of the Church of England herself?

I have little hope that the propounders and framers of the innovations, will desist from their insidious course. But I rely with confidence on the people of England, *and I will not bate a jot of heart or hope so long as the glorious principles and the Immortal Martyrs of the Reformation shall be held in reverence by the great mass of a nation which looks with contempt on the mummeries of superstition, and with scorn at the laborious endeavours which are now making to confine the intellect and enslave the soul.*

I remain with great respect, &c.,

Downing-street, Nov. 4, 1850.

J. RUSSELL.

Lord John Russell's letter to the Bishop of Durham was followed by "The Ecclesiastical Titles Assumption Act," of August 1851, 14th and 15th of Queen Victoria, chap. 60, containing four clauses. The 1st clause of that act of stupendous folly provides that any Roman Catholic assuming the style or title of any bishop, or archbishop, of any see in the United Kingdom, to which he has no legal claim, shall pay a fine of £500. for each offence.

The 2nd clause provides that any person who shall procure, or publish, within the United Kingdom, any bull, brief, or rescript, for the purpose of constituting any such archbishop or bishop of a pretended see, to which he is not legally entitled, shall pay a fine of £100.

The undoing of the mischief of the proscription of the religious orders in the Relief Act of 1829, and of the absurd Ecclesiastical Titles Assumption Act, of August 1851, remains to be accomplished by some enlightened statesman. Perhaps the honour of such an achievement is reserved for Mr. Gladstone, the opponent of the latter measure in all its stages.

## APPENDIX.

## No. 2.

## "THE SECRET OATH OF THE JESUITS,"

*Alleged by Alderman Bonsall, of the Corporation of Dublin, to exist, and to be found duly authenticated in works of authority.*

"The secret oath of the Jesuits," is a pious fraud of recent origin, published in a new edition of the English version of the "*Monita Secreta Societas Jesu*," (first published in Latin in Germany in 1612), "the thirtieth thousand," published by Seeley, Burnside and Seeley, London, in 16mo, 1848.

In Saunders' Dublin News Letter, of the 20th of March, 1865, we find a report of a meeting of the corporation held on the 18th of March, to consider a petition to parliament for the abolition of obnoxious qualification oaths; on that occasion all the conservative members of the municipal council were absent. The Lord Mayor, who presided over the meeting, in violation of the rules of that council, and in opposition to the wishes of all the members present, insisted on reading a document emanating from a meeting of the conservative members held outside of council's place of assemblage on the 13th of May.

The following is a copy of the document referred to.

At a meeting of the Conservative members of the Dublin Corporation, held at No. 3, Dame-street, on the 13th day of March, 1865—

Alderman BONSTALL in the Chair.

It was unanimously resolved—That as the Corporation of this city is constituted under several acts of parliament, solely for the management and transaction of business pertaining to the borough of Dublin; and as said Corporation consists of members who hold opposite opinions on the subjects of



both religion and politics, and as said members represent a constituency of like opposite opinions, we therefore deprecate the introduction into said Corporation of subjects tending to excite political and religious dissension. That we solemnly protest against the agitation recently got up in this city by the Roman Catholic bishops and priesthood of Ireland, headed by a Papal Delegate, to procure by Roman Catholic agency the abolition of the Protestant Church Establishment of Ireland, and which agitation was immediately followed up by the introduction into the Corporation of a discussion to procure the repeal of the test oaths incorporated in the act passed in the year 1829, known as the Emancipation Act, because, should we yield to discuss such questions, we should of necessity have to refer to facts of history and Church law, in justification of our dissent from said proposal, whereby would be excited discord and angry feelings in the Corporation, in the city, and throughout Ireland. That, to avert such a result, we refrained from having any concern in said discussion. That, besides the oaths above referred to, there are others of very serious import, not sanctioned by British law, of which some of us are aware. *That said oaths are antagonistic to the laws and constitution of this realm, and are imposed upon some of our fellow subjects, as, for instance, the oaths taken by the members of the Order of Jesuits, the bishops' oath of allegiance to the Pope, &c.* That it would be impolitic to interfere with the protective oaths imposed by law, whilst those unlawfully imposed by foreign obtrusion are submitted to. That we protest against the unsolicited interposition of the Roman Catholic members of the Dublin Corporation, to procure for Protestants the abolition of the test oath, which only protestants are required to take and subscribe. That in our opinion few, if any, Protestants object to the terms of said oath, or will approve of the gratuitous interposition in their behalf; nevertheless whilst we assent to the views in said oath as being consonant with Protestant doctrine, we do so without intending offence to our Roman Catholic fellow-subjects; and we regard objection thereunto to apply equally to the consistent profession of Protestantism. That for the reasons above briefly referred to, we are of opinion that subjects not relevant to corporate duty, and in particular political and sectarian topics, ought not to be introduced into the meetings of the Town Council. That our chairman be authorized to for-

ward copies of the test to his excellency the Lord Lieutenant of Ireland, and to the right honourable the Lord Mayor for the information of the Town Council.

Signed on behalf of said Meeting,

J. O. BONSAILL, Chairman.

The improper act of the Lord Mayor was not altogether successful. The document ultimately was not allowed to be placed on the minutes, but Alderman Bonsaill effected his object of stating the existence of a secret oath of the Jesuits of a very atrocious character, which pretended oath he published in one of the Dublin Conservative papers at the same time.

The business of the meeting terminated by adopting the proposed petition to the Houses of Parliament, of which the following draft was read:—

“**SHEWETH**—That by the 12th clause in the 10th Geo. IV. chap. 7, commonly called the ‘Relief Act,’ certain officials are required to take a declaration which injudiciously reflects on the religious opinions and faith of a large portion of her Majesty’s subjects and the language of which is offensive and insulting to the feelings of the vast majority of the population of this kingdom, and to millions of her Majesty’s faithful subjects in England and Scotland, and in the colonies. That to require Protestant gentlemen to insult their Catholic fellow-countrymen by making such odious declarations, is felt to be a grievance by every liberal-minded Protestant, as well as an outrage upon the faith and feelings of the Catholic people. That, notwithstanding the many modifications made in official oaths, Protestant officials are still required to swear that the Pope has no ecclesiastical jurisdiction in these realms, which, being contrary to the belief of many Protestants, and contrary to the knowledge of most men, is felt to be an oppression on the consciences of many Protestants, and ought not to be continued. That there are passages in the oath required to be taken by Catholics which would seem to imply that those who require it to be taken believe that the religious tenets of Catholics give toleration to murder, and, in some cases, exalt that crime into a virtue. That to ask a Catholic to disavow such an unchristian doctrine on his solemn oath is an outrage and an insult which

of other subjects of the Queen is required to submit to. That by the 17th clause in the 11th Geo. IV., & 7, a most offensive distinction is drawn between the civil status of a Catholic and Protestant subject, which degrades the Catholic official by precluding him from wearing the insignia of office in a Cathedral place of worship, and gives to the Protestant official a purity and intimate association. That a series of clauses in the same statute imposes penalties and disabilities on the Catholic Religious Orders, which did not exist immediately previous to passing of that enactment, and some of which were previously unknown to the laws and constitution of these kingdoms. Your petitioners therefore pray, that, in order to establish unity, peace, and accord amongst all classes of her Majesty's subjects, and to realize that equality before the law which ought to exist between all subjects of the Queen, this offensive declaration be no longer required to be taken, the disabilities imposed on Catholic Mayors and other officials be discontinued, the penal enactments against the Religious Orders be entirely removed, and one Oath of Allegiance be prescribed by statute, which all subjects of the Queen may take without violating conscience, abandoning self-respect, or giving offence to any portion of their fellow-countrymen. And your petitioners will ever pray."

Alderman M-Swiney then moved that the petition now read be adopted, and presented to both houses of Parliament, that the city seal be attached thereto, and the Lord Mayor be requested to present the petition at the bar of the House of Commons, and that such members as desire to do so may accompany him in state.

A meeting of the corporation of Dublin was held on the 23rd of May to consider the protest presented to the council by Alderman J. O. Bonsall, on the part of the conservative members of the corporation opposed to any change in oaths deemed offensive to Roman Catholics, or adverse to certain tenets of their religion. In the above-mentioned protest reference was made to secret oaths of members of religious communities, and to one secret oath in particular, taken by members of the Society of Jesus, of a character so perilous to the state, to society, and to all the fundamental doctrines of Christianity, that the oaths which it was proposed to petition

parliament to abolish, were absolutely necessary to the maintenance of law, order, peace, and morals.

Sir John Gray stated he had a motion to propose in reference to the documents introduced improperly into the corporation by Alderman Bonsall and the oath referred to in them, which had been published in extenso by Alderman Bonsall, in "*Saunders' News Letter*," of the 20th of March, purporting to be a secret oath taken by the Jesuits, but which he was in a condition to be able to show was a fabricated document.

Sir John Gray said :—

I feel that the council is placed in a very awkward position by having on its minutes a reference to a document which refers to an oath of the character of the oath that appears to have been published by authority in *Saunders' News-Letter* of Monday last. It is introduced in that journal with this statement:—

"We have been furnished with the following as a copy of the principal oath objected to in the document read by the Lord Mayor at the Corporation on Saturday, and signed by Alderman Bonsall."

Now, my lord, this copy of what is called "The Jesuits' Oath," is put before the public as authentic, and this is the oath referred to in the document alluded to in the minutes just read. Now, my lord, I will be one of the first—I care not what the results of myself personally may be—to move a strong, but, I trust, not an offensive resolution on the subject, if Alderman Bonsall and the gentlemen who act with him satisfy the house that that is a genuine and authentic document (hear, hear).....I used in this house with reference to those oaths, strong language, and I will not hesitate here, or elsewhere, if that oath be shown by Alderman Bonsall to be an authentic document, to use similarly strong and emphatic language respecting it. But, on the other hand, my Lord Mayor, if that document be not genuine and be not authentic—if that document be a fraud and a forgery—if it be a scandal upon the individuals referred to—if it be an attempt to stigmatize men of high position, of great intellectual powers, of great moral worth, who devote themselves earnestly and assiduously to the instruction of the poor—if it be an attempt to brand them unjustly with the infamy of taking

such an infamous oath as that, then I will move that all reference to a document which in any way referred to that fabricated oath be expunged from our books. I will place the copy of the oath I have taken from *Saunders' News-Letter* in Alderman Bonsall's hand, on the assurance that he will return it to me, and ask—

Alderman Bonsall—You need not, I have it all in my head. I remember every word of it.

Sir John Gray—I ask Alderman Bonsall, who signed that protest which refers to this alleged oath, is he prepared to acknowledge that to be his document, and if so will he give now to this house any evidence to show the authenticity of that document (hear)? Will he tell us where he got it, or did he extract it from any of the recognised rules or publications of the Jesuit order?

When Alderman Bonsall answers my questions, and verifies or fails to verify the alleged oath, I will move a resolution either denouncing the oath, if it be verified as immoral, or exposing the reference to it if it be a pious fraud (hear, hear). I will in the first instance read the document which is published in *Saunders* :—

“I, A. B. now in the presence of Almighty God, the Blessed Virgin Mary, the Blessed Michael the Archangel, the Blessed St. John Baptist, the Holy Apostles St. Peter and St. Paul, and the Saints and sacred Host of Heaven, and to you, my ghostly father, do declare from my heart without mental reservation, that Pope Gregory is Christ's Vicar-General, is the true and only head of the Universal Church throughout the earth; and that by virtue of the keys of binding and loosing, given to his Holiness by Jesus Christ, he hath power to depose heretical Kings, Princes, States, Commonwealths, and Governments, all being illegal without his sacred confirmation, and that they may safely be destroyed; therefore, to the utmost of my power, I will defend this doctrine and his Holiness's rights and customs against all usurpers of the heretical or Protestant authority whatsoever, especially against the now pretended authority and church in England and all adherents, in regard that they be usurped and heretical, opposing the sacred Mother Church of Rome. I do renounce and disown any allegiance as due to any heretical King, Prince, or State named Protestant, obedience to any of their inferior magistrates or officers. I do further declare the doctrines of the Church of England, of the Calvinists,

Huguenots, and other Protestants, to be damnable, and those to be damned who will not forsake the same. I do further declare that I will help, assist, and advise all or any of his Holiness's agents in any place wherever I shall be, and do my utmost to extirpate the heretical Protestants' doctrine, and to destroy all their pretended power, legal or otherwise. I do further promise and declare, that, notwithstanding I am dispensed with to assume any religion heretical for the propagation of the Mother Church's interest, to keep secret and private all her agents' counsels, as they entrust me, and not to divulge, directly or indirectly, by word, writing, or circumstance whatsoever, but to execute all which shall be proposed, given in charge, or discovered unto me, by you my ghostly father, or by any one of this convent. All which, I, A. B. do swear by the Blessed Trinity and Blessed Sacrament, which I am now to receive, to perform, and on my part to keep inviolably; and do call all the heavenly and glorious Host of Heaven to witness my real intentions to keep this my oath. In testimony hereof I take this most Holy and Blessed Sacrament of the Eucharist, and witness the same further with my hand and seal in the face of this holy convent."

Sir John Gray proceeded—This is the oath put forward as the oath of the Jesuit Order, and to a certain extent authenticated by being named in a document rendered authentic by being inserted on our minutes. That oath, my lord, you will have observed, declares it a duty to destroy all rulers and princes not in communion with the Catholic Church, and every Jesuit is stated to be bound to take that oath, and to bind himself to act on it. Now I will move that the minute book be not signed till Alderman Bonsall shall state whether or not that document is one of the oaths referred to in the so-called protest, and, if he answer in the affirmative that he be called upon to prove its authenticity. But if he fail to do so, my motion will be that all reference in the minutes to the document alluding to that oath be expunged.

Alderman M'Swiney said he would second the motion.

Alderman Bonsall—The oath is one of very ancient date; it has been repeatedly published in authentic history, from the time of Queen Elizabeth down to the present age; and the action taken by the Court of Rome with respect to some monarchs was quite in accordance with the contents of that

oath. And a matter has very recently come out in the published archives of Spain fully corroborating the contents of that oath. I have no more doubt on my mind of the authenticity of that oath, than I have of any other matter published, though I cannot of course, refer to the rule of the Order of the Jesuits—that secret order.....

Alderman Bonsall continued—I received no notice of this question. If Sir John Gray had dropped me a line, stating that he intended to put this question to me, I could have come prepared with the proofs. I had not the slightest intention of coming here until I found some of my brother members going from the South Union, and I followed them down here. But I conceive that the straight-forward course would be this :—There is a Jesuit establishment in this city. The principal of that establishment ought to come forward and deny that there is such an oath—and state it is a fabrication. When he does so before the public, then it is easy for us to ascertain whether that denial is to be relied on or the reverse. Alderman Bonsall then resumed his seat.

Mr. Byrne—I don't think that Sir John Gray, on the spur of the moment, can call on Alderman Bonsall to defend a document, the materials for the defence not having been brought by Alderman Bonsall into this room. Sir John Gray did not give Alderman Bonsall notice yesterday or this morning that he would ask him these questions, and if Sir John Gray was so anxious that Alderman Bonsall should state here the reasons pertinent to the subject, in the name of fair play—I don't know whether the document is authentic or not—but in the spirit of fair play Sir John Gray should have given Alderman Bonsall notice of his motion.

Alderman Bonsall—It is right I should tell Sir John Gray that that protest was written hastily on the morning of the last meeting of the council but one.

Sir John Gray—My Lord Mayor, although the protest may have been hastily written, Alderman Bonsall said to-day that I need not read the oath for he was so familiar with it that he had it off by heart. He had it all in his head, he was so familiar with it. I never read it till this morning. Alderman Bonsall is familiar with it, he has it in his head and mind, and I think he ought to be able without any specific notice, to meet any statement that I have to make respecting it. Now, my lord, I have in my hand the printed rules of the "Society of Jesus," and I pledge myself

to this house that I have personally satisfied myself, from an examination of the rules, that, so far from it being true that that oath is taken, the fact is that no person is treated as a member of the Society of Jesus until he is two years in noviciate—that during these two years of noviciation he takes no oath and no vow, and that when he becomes a member at the end of two years he takes not an oath, but the vow which I shall now read for you. This vow is not printed in obsolete Latin, but it is printed in plain English, and what is it? Here are the words:—

“Almighty everlasting God, I, although altogether most unworthy of Thy divine sight, yet trusting in Thy goodness and infinite mercy, and moved with a desire of serving Thee, vow before the most sacred Virgin Mary and the whole court of heaven to Thy divine Majesty perpetual poverty, chastity, and obedience in the Society of Jesus, and promise that I will enter into the same society for ever to lead my life therein, understanding all things according to the constitution of the same society. Therefore I most humbly beseech Thee by Thy infinite goodness and mercy, by the blood of Jesus Christ, that Thou wilt admit this holocaust in an odour of sweetness, and that as Thou hast already given me grace to desire and offer it, so Thou wilt also bestow plentiful grace on me to fulfil it. Amen.”

He may tell me, as he told us to-day, that we ought to get an authentic denial from some person in authority and in office in the Jesuit Order, and that you ought not to accept my reading of their books, or my statement on the subject. My lord, my Conservative friends think we ought to have an official repudiation of that oath, and I have it here. (cheers) These gentlemen no doubt thought it probable that I would not be able to get the official denial of the existence of this infamous oath as a joint test which my friend the Alderman challenged us to produce this morning, but they shall have it. The letter which I hold in my hand does not come from a noviciate—it does not come from an ordinary member of the Society of Jesus—it is from the Provincial or head of the society in Ireland (applause.) It does not come from Mr. Dowling of New York (cheers and laughter,) or, as Mr. Sullivan put it, from John Snookes, of New Zealand—it comes from the authorized, recognized head of the Society in Ireland (hear hear.) It is as follows:—



"Miltown Park, Donnybrook, Dublin, Mar. 21st, 1865.

"My dear Sir,—My attention has been drawn to a document read by the Lord Mayor at a meeting of the municipal council on Saturday last, and in which allusion is made to an oath supposed to be taken by Jesuits. This document is given in yesterday's *Standard*, and in the same paper is published what purports to be a copy of the oath referred to. It would be superfluous to inform you such statements are unfounded. But as, however improbable they may be, many would perhaps believe them, partly on the ground of their not being authentically contradicted, I should be obliged by your taking what you consider the best occasion to state, on my authority, what I affirm on my own behalf and that of the Society to which I belong—namely, that neither the pretended oath published in yesterday's *Standard*, nor any oath in the least degree similar to it, nor any oath at all, is imposed on Jesuits or taken by them. There are, no doubt, certain official oaths taken by some examiners and others, whereby they bind themselves to fidelity in the performance of their respective duties. But these bear no relation at all to allegiance or governments, nor is there any secrecy maintained about them. I trust you will excuse my troubling you in this matter—you have exposed yourself to such intrusions by your zealous exertions on behalf of Catholics.

"I remain, my dear Sir, very truly yours,

"EDMUND J. O'REILLY, Provincial of the  
"Society of Jesus in Ireland.

"You may make what use you wish of this letter.

"To Sir John Gray,  
"Charleville House, Rathmines."

Sir John Gray—The writer of that letter is a cousin of Lord Castlerosse, of whom probably these gentlemen have heard. I have shown you from internal evidence that the alleged oath must be a fabrication. The language of the document shows that it was compiled by a person who knew nothing indeed of the Jesuit order in Ireland. I have given an opportunity to the gentleman whose name is signed to the so-called protest, of showing if he could, that this fabricated oath has any pretence to authenticity. After all this the council cannot allow the minutes to contain any reference, even by implication, to this atrocious, this fabricated oath, I

have read to you an authentic official denial of the authority of this forgery, the very denial which Alderman Bonsall challenged me to produce, and the production of which he triumphantly demanded when he thought I was not in a position to bring it forward, and even indicated that its production would induce him to retract (hear, hear.) I hope he will now retract when I place before him the letter of the Very Rev. Dr. O'Reilly, with the envelope (here Sir John Gray placed the letter and envelope upon the table,) denying not only that the members of his order take that oath, but that they take any oath like it, and denying that any of its members take any oath whatever, except a few of the body called "examiners," who take the official oath prescribed for "examiners." This official oath is simply that they shall examine with strictness, impartiality, and justice, and will give to every person examined the marks due to his merits, and not be influenced by favour or affection. I now move—

That having moved that the minute book be not signed until Alderman Bonsall should answer—is the document printed in *Saunders* under the head of the *Jesuits' Oath*, the oath referred to in the so-called protest, and he having answered that it is, and failed to prove its authenticity, it is now

Resolved—That all reference to the protest which refers to the said oath be expunged from our minute book, said alleged oath having been proved to the satisfaction of this house to be a scandalous fabrication, palmed, no doubt upon the credulity of the parties who procured the publication thereof, and that the minutes be then signed.

Alderman McSwiney seconded the motion, and said that as a Roman Catholic he emphatically repudiated the alleged Jesuit oath. He would freely join in any movement for the expulsion from the country of any society that would maintain such an oath, for they would be unworthy to be citizens of a free state, if they would countenance such an outrageous document.

Alderman John Reynolds—We should know whether or not that document was furnished to *Saunders* by Alderman Bonsall, or under his authority?

Alderman Bonsall—By myself. I have not the slightest hesitation in saying I wrote that document from a book which I believe to be an authentic history, and that I sent a copy of it to *Saunders* with a request to have it published; and I am

not in the slightest degree shaken in my mind concerning the document by anything that Sir John Gray has said. I am taken unawares in this matter. I certainly pledge myself to produce not only the book from which I took the oath, but the book in which that document is contained, and corroborative testimony from history of the statements contained in it.

The resolution of Sir John Gray for rescinding the minutes of the former meeting in which the resolution and protest of the conservative members of the council, in which reference was made to an alleged secret oath of the Jesuits, that had been clearly shown to be a spurious document, was carried by a large majority.\*

Alderman Bonsall's patronised "Ingenious Device," entitled "The Jesuits' Oath," published by the worthy alderman, in "Saunders' News Letter," for the 20th of March, 1865, is laid before my readers.

#### THE JESUITS' OATH.

We have been furnished with the following as a copy of the principal oath objected to in the document read by the Lord Mayor at the Corporation on Saturday, and signed by Alderman Bonsall.

"I, A B, now in the presence of Almighty God, the Blessed Virgin Mary, the blessed Michael the Archangel, the Blessed St. John the Baptist, the holy Apostles St. Peter and St. Paul, and the Saints and Sacred Host of heaven, and to you my ghostly father, do declare from my heart, without mental reservation, that Pope Gregory is Christ's Vicar-General, is the true and only head of the Universal Church throughout the earth; and that by virtue of the keys of binding and loosing, given to His Holiness by Jesus Christ, he hath power to depose heretical kings, princes, states, commonwealths, and governments, all being illegal without his sacred confirmation, and that they may safely be destroyed; therefore, to the utmost of my power I will defend this doctrine and His Holiness's rights and customs against all usurpers of the heretical or Protestant authority whatsoever, especially against the now pretended authority and Church in England,

\* The Freeman's Journal, March 24, 1865.

and all adherents, in regard that they be usurped and heretical, opposing the sacred Mother Church of Rome. I do renounce and disown any allegiance as due to any heretical king, prince, or state named Protestant, or obedience to any of their inferior magistrates or officers. I do further declare the doctrine of the Church of England, of the Calvinists, Huguenots, and other Protestants, to be damnable, and those to be damned who will not forsake the same. I do further declare that I will help, assist, and advise all or any of His Holiness's agents in any place wherever I shall be, and do my utmost to extirpate the heretical Protestants' doctrine, and to destroy all their pretended power, legal or otherwise. I do further promise and declare that, notwithstanding I am dispensed with to assume any religion heretical for the propagation of the Mother Church's interest, to keep secret and private all her agents' counsels as they entrust me, and not to divulge directly or indirectly, by word, writing, or circumstance whatsoever, but to execute all which shall be proposed, given in charge, or discovered unto me, by you, my ghostly father, or by any one of this convent. All which I, A B, do swear by the Blessed Trinity and Blessed Sacrament, which I am now to receive, to perform, and on my part to keep inviolably ; and do call all the heavenly, and glorious host of heaven to witness my real intentions to keep this my oath. In testimony hereof I take this most Holy and Blessed Sacrament of the Eucharist, and witness the same further with my hand and seal in the face of this holy convent."

The mare's nest which Alderman Bonsall disclosed so recently as the 19th of March, 1865, and discovered in works of authority, and found to be a duly authenticated document, I have happily discovered in a work entitled, "The Secret Oath, and a fresh translation of the Secret Instructions of the Order of the Jesuits," &c. &c.

The 30th thousand. Published by Seeley and Co., London, 1848.

The following is the title in full of that English version.

"The Secret Oath, and a fresh translation of the Secret Instructions of the Order of the Jesuits, with a slight sketch of the Society, its principles, from their own accredited Standard Works, their actions on the

testimony of Roman Catholic Authorities, and their strenuous exertions at this moment to overturn every constituted authority throughout the Empire of Great Britain, to establish their own sovereignty. With the second impression of ten thousand copies, (1845) the statements made in the first edition, were farther proved by their advances throughout Europe towards dominion. And with this third impression of ten thousand copies, (1848) attention is specially directed to this order, as being the under current now convulsing continental Europe and the middle and lower classes of society throughout this United Kingdom. 'Beware of false prophets, which come to you in sheep's clothing, but inwardly they are ravening wolves.' (Matt. vii. 15.) Thirtieth thousand. Seeley, Burnside and Seeley, Fleet Street, London, 1848."

The English compilers or fabricators, or improvers on the fabrications of the original forgers and contrivers of the "Monita Secreta," thus preface their labours in the London edition of Seeley, previously referred to, of 1848.

#### "ADVERTISEMENT.

"This little collection was formerly known under the name of the 'Monita Secreta,' and certainly amongst the multitude of writings brought to light through the quarrels of the Jesuits, none surpass this in curiosity. All their mysteries are here developed, it's an exact representation of the moral and political working of all past or existing usurpations—it's a little ultramontanic Encyclopædia, and there is nothing so perfect besides it, except the Prince de Machiavel. It was found in the Jesuits' College in Paderborn, in Westphalia, when Christian Duke of Brunswick took possession of that place. One thing is certain, that the actions of the Jesuits are in perfect accordance with these secret instructions."

Then the Reverend gentlemen who would pass off this "pious fraud" as a veritable authentic production, go on to say:—

"We will now give their *secret* oath and *secret* instructions,

guarding the reader against *any* denial of the Jesuits on the subject of either—words against *facts* are not worthy of a passing thought; they *were found in several* of the Colleges from which they were expelled, and are to be seen in *manuscript* at the end of a work of *theirs*, published in Venice in 1596, now in the library of the British Museum. But their conduct, as delineated by the Roman Catholics themselves, is the most *conclusive evidence* to the positive fact that they act upon *exactly* such instructions.”

#### THE OATH OF SECRECY OF THE JESUITS.

“I, A. B., now in the presence of Almighty God, the blessed Virgin Mary, the Blessed Michael the Archangel, the blessed St. John the Baptist, the holy apostles St. Peter and St. Paul, and the saints and secret host of heaven, and to you my ghostly father, do declare from my heart, without mental reservation, that his Holiness Pope Urban is Christ’s Vicar-General, and is the true and only head of the Catholic or universal Church throughout the earth; and that by the virtue of the keys of binding and loosing given to his Holiness by my Saviour Jesus Christ, he hath power to depose heretical kings, princes, states, commonwealths, and governments, all being illegal without his sacred confirmation, and that they may be safely destroyed: therefore, to the utmost of my power, I shall and will defend this doctrine, and his Holiness’ rights and customs, against all usurpers of the heretical (or Protestant) authority whatsoever; especially against the now pretended authority and Church of England and all adherents, in regard that they and she be usurpal and heretical, opposing the sacred mother Church of Rome. I do renounce and disown any allegiance as due to any heretical king, prince, or state, named Protestants, or obedience to any of their inferior magistrates or officers. I do further declare, that the doctrine of the Church of England, of the Calvinists, Huguenots, and of other of the name of Protestants, to be damnable, and they themselves are damned, and to be damned, that will not forsake the same. I do further declare, that I will help, assist, and advise all or any of his Holiness’ agents in any place wherever I shall be, in England, Scotland, and Ireland, or in any other territory or kingdom I shall come to, and do my utmost to extirpate the heretical Protestants’ doctrine, and to destroy all their pretended

powers, regal or otherwise. I do further promise and declare, that I am *dispensed with to assume any religion* heretical for the propagation of mother Church's interests, to keep secret and private all her agents' counsels from time to time, as they intrust me, and not to divulge, directly or indirectly, by word, writing, or circumstance whatsoever; but to execute all that shall be proposed, given in charge, or discovered unto me, by you my ghostly father, or any of this sacred convent. All which, I, A. B., do swear by the blessed Trinity, and blessed Sacrament, which I am now to receive, to perform, and on my part to keep inviolably; and do call all the heavenly and glorious host of heaven to witness these my real intentions, to keep this my oath. In testimony hereof, I take this most holy and blessed Sacrament of the Eucharist; and witness the same further with my hand and seal, in the face of this holy convent, this                    day of                    An. Dom." &c.—*Extracted from Archbishop Usher.*

"In this oath we see they are sworn to do what they are at this moment actually doing in the Church of England; it is obvious that a Jesuit's word, or oath, is not to be relied upon, except where it serves his own interest, as it does in this case, for the unprotestantizing of the National Church. Sanchez, another of their writers, advises that when they swear they should say, "*uro*, I burn, instead of *juro*, I swear;" we know therefore what credence to give to their denial of being guided by this oath, or these instructions."\*

Now, with respect to the statement of the so-called Jesuit Secret Oath which the fabricators of the *Monita Secreta* forgerly ascribe in their unscrupulous publication, the thirtieth thousand of which has been recently published by Seeley of London, what will the readers of that production think when they learn that there is no such oath or declaration in any such work of Archbishop Ussher?

When I discovered the source to which Mr. Bonsall was indebted for that document, and found it described in the latest edition of the *Monita Secreta*, I made a diligent search in the several works in my library written by archbishop Ussher, for that oath or declaration.

\* The Secret Oath, &c. published by Seeley, London, 1848.

But no trace of it was to be found in any of them, neither in the detached works written by him, nor in the Collected Edition of his works compiled and edited by the late Dr. Elrington.

Knowing that the eminent scholar, the Rev. Dr. Todd, librarian and senior Fellow of Trinity College, Dublin, had been for some time employed in examining all known MS. works and published productions of Archbishop Ussher, with a view to the making of an index of the whole of his productions, I addressed a letter to him on the subject of my enquiry. To that communication I received the following reply.

Trinity College, 8th May, 1865.

My dear M.

I cannot find in Ussher's works any "Secret Oath," or mention of such oath taken by members of the S. J.

Faithfully yours,

(signed) J. N. Todd.

R. R. Madden, Esq.

The reader's attention is particularly called to the following original Latin version of the "Monita Secreta," in extenso, as that infamous forgery is to be found, fairly given, however, in Monsieur Sauvestre's recent edition of that work, in order to enable the public to compare the Latin version of it in that work with the alleged English translation of it, which is said to be taken from an earlier edition of the same Latin version, with that English version previously referred to, published by Seeley in 1848, is now selling largely in London, and easily to be procured in Dublin at Mr. Herbert's book shop in Grafton Street, as Mr. Bonsall is very well aware. The result of that comparison will be to prove that the English translation is a scandalously mutilated version of the original Latin, literally fraud, designated, "Monita Secreta Societatis Jesu."

Mons. Sauvestre prefaces the Latin version of the Monita Secreta which I now place before my readers with the following observations made, let it be remem-



bered by an uncompromising adversary of the Jesuits, but still by a man of some literary talents and sense of the obligations imposed on them.

“Ce qui est incontestable, c'est que les *Instructions secrètes* ont été imprimées pour la première fois à Paris en 1661, et qu'il en existe encore aujourd'hui des copies manuscrites en latin qui sont antérieures.

“On lit dans l'édition de 1824, que nous avons sous les yeux.

“Dans les guerres religieuses dont l'Allemagne fut le théâtre, plusieurs collèges des Jésuites furent pris et pillés par les réformés. On trouva dans leurs archives des exemplaires manuscrits des *Monita secreta*, et deux éditions presque contemporaines de celle de Paris eurent lieu à la fois: la première sous la rubrique de Prague, la seconde sous celle de Padoue. Cette dernière est imprimée sur parchemin et fait suite aux *Constitutions de la Société de Jésus*. Les trois éditions, quoique faites d'après des manuscrits différents, sont parfaitement conformes entre elles.

“A toutes les époques où les Jésuites ont menacé l'État, une main dévouée a jeté de nouveau ce livre à la publicité, et chaque fois la prudente Compagnie a fait, l'orage passé, racheter en secret et disparaître tous les exemplaires en circulation.

“La présente édition des *Monita secreta* a été collationnée avec le manuscrit latin du Père Brothier et avec les éditions françaises de 1718, 1819, 1824 et 1845. Cette dernière, faite à Blois par M. Ducoux, depuis membre de l'Assemblée constituante et préfet de police en 1848, nous a servi pour l'édition de juin dernier. Elle est accompagnée d'une notice excellente, et comme tous les livres contre les Jésuites, elle est devenue introuvable.”

“*Monita Secreta Societatis Jesu. Instructions Secretes des Jésuites, nouvelle édition, précédée d'une introduction par Charles Sauvestre. Paris, E. Dentu, Libraire-Editeur, Galerie d'Orléans, 13 et 17, Palais-Royal, 1862.*”

**CAPUT I.**—Qualem Societas præstare sese debeat, cum de novo alicujus loci foundationem incipit.

1. Ut se grâtam reddat incolis loci, multum conducet explicatio finis Societatis præscripti in regulis, ubi dicitur Societatem summo conatu in salutem proximi incumbere, æque atque in suam. Quare humilia obsequia obeunda in xenodochiis, pauperes et afflicti, et incarcerati invisendi, confessiones prompte et generatim excipiendæ, ut insolitâ in omnes caritate, et rei novitate eminentiores incolæ nostros admirentur et ament.

2. Meminerint omnes facultatem ad exercenda Societatis ministeria modeste ac religiose petendam; et omnes tum ecclesiasticos præsertim tum sæculares quorum auctoritate indigemus, benevolos sibi facere studeant.

3. Ad loca distantia etiam eundum ubi eleemosynæ quantumvis parvæ recipiendæ, exposita necessitate nostrorum: eadem deinde dandæ aliis pauperibus, ut sic ædificentur ii, qui nondum Societatem noverunt, et sint in nos tanto liberaliores.

4. Omnes eundem videantur spirare spiritum, ideoque eundem modum exteriorem addiscant, ut uniformitas in tanta diversitate personarum unumquemque ædificet; qui secus fecerint, tanquam nocui dimittantur.

5. Caveant nostri emere fundos in initio; sed si quos emerint nobis bene sitos, fiat hoc mutuato nomine aliquorum amicorum fidelium et secretorum; et ut melius luceat paupertas nostra, bona quæ sunt vicina locis, in quibus collegia habeamus, per provincialem assignentur collegiis remotis, quo fiet ut numquam principes vel magistratus habeant certam notitiam reddituum Societatis.

6. Non divertant nostri cum intentione residendi per modum collegii nisi ad urbes opulentas; finis enim Societatis est imitari Christum Salvatorem nostrum, qui Hierosolymis maxime morabatur, alia autem loca minus præcipua tantum pertransibat.

7. Summum pretium à viduis semper extorquendum, inculcata illis summa nostra necessitate.

8. In unaquaque provincia, nemo nisi provincialis noverit præcise valorem reddituum. Sacrum autem esto quantum corbona romana contineat.

9. Concionentur nostri, et ubique in colloquiis propagent,

se ad puerorum instructionem et populi subsidium venisse, se omnia gratis, et sine personarum acceptione præstare, nec esse in gravamen communitatis, ut cæteri ordines religiosi.

**CAPUT II.**—Quomodo principium, magnatum et primariorum PP. Societatis familiaritatem acquirent et conservabunt.

1. Conatus omnis ad hoc in primis adhibendus, ut principum et primariorum ubique locorum aures et animos obtineamus, ne sit qui in nos audeat insurgere, quinimo omnes cogantur a nobis dependere.

2. Cum autem experientia doceat principes et magnates tum præsertim affici personis ecclesiasticis, quando odiosa eorum facta dissimulant, sed in meliorem potius partem ea interpretantur, ut videre est matrimoniis contrahendis cum affinibus, aut consanguineis, aut similibus, animandi sunt qui hæc aut similia affectant, spe facta per nostros istiusmodi dispensationes facile a Summo Pontifice impetrandi, quod faciet si explicentur rationes, proferantur exempla, et recitentur sententiæ favorabiles titulo communis boni, et majoris gloriæ Dei, quæ est scopus Societatis.

3. Idem faciendum si princeps aggreditur aliquid faciendum non æque magnatibus omnibus gratum. Permovendus, nempe, animus ei, et instigandus, cæterorum vero animi commovendi ad hoc ut principi sese accommodent, neque contradicant; in genere tamen tantum, nec unquam ad particularia descendendo, ne Societati imputetur, si male negotium successerit; et si quidem hoc aliquando factum reprobetur, recitentur monita contraria hæc plane prohibentia, et adhibeatur auctoritas aliquorum patrum, de quibus constat quod hæc ipsa monita illos lateant, qui etiam cum juramento asserere poterunt Societatem, quoad hæc quæ illi impropriantur, calumniam pati.

4. Juvabit etiam non parum ad occupandos principum animos, si nostri dextre et per tertias personas insinuent se ad legationes honorificas et favorabiles ad alios principes aut reges pro illis obtuendas, præsertim apud Pontificem et supremos monarchas; hac enim occasione sese et Societatem commendare poterunt, quare non nisi zelosi valde et versati in instituto nostro eo erunt destinandi.

5. Alumni principum et domestici præcipue, quibus familiariter utuntur, per munuscula præcipue et varia pietatis

officia vincendi sunt, ut tandem nostros fideliter de humoribus et inclinationibus principum ac magnatum instruant; et sic facile illis Societas sese accommodabit.

6. Experientia etiam docuit in domo Austria aliisque regnis Galliae, Poloniae, etc., caeterisque ducatibus, quantum Societas sese juverit tractandis matrimoniis inter principes. Quare prudenter proponantur exquisiti conjuges, qui cum parentibus vel amicis nostrorum sunt amici vel familiares.

7. Feminae principes per domesticas potissimum, quae a cubiculis sunt, facillime vincentur; quare illae omnibus modis foveantur, sic enim ad omnia, etiam secretissima, in familia aditus patebit.

8. In conscientiis magnatum regendis sequentur nostri confessorii, sententiam illorum auctorum qui liberiolem conscientiam faciunt contra opinionem aliorum religiosorum, ut, relictis illis, à nostra directione et consiliis toti velint dependere.

9. Tam principes quam prelati, alique omnes qui Societati favorem extraordinarium praestare possunt, participes faciendi sunt omnium meritorum Societatis, exposito illis momento hujus summi privilegii.

10. Insinuandae etiam caute et prudenter facultates amplissimae Societatis absolvendi etiam a casibus reservatis respectu aliorum pastorum aut religiosorum, item dispensandi in jejuniis, debito reddendo, aut petendo, matrimonii impedimentis, aliisque notis, in qua fiet ut plurimi ad nos recurrant et obstringantur.

11. Invitandi ad conciones, sodalitates, orationes, actiones, declamationes, etc., in quibus carminibus, inscriptis thesibus honorandi, tum, si expedit, in triclinio mensa, excipiendi, variisque et dictis salutandi.

12. Inimicitiae et dissensiones inter magnates ad nos distrahendae erunt ut componantur, sic enim in notitiam familiarium et secretorum paulatim poterimus devenire, et alterutram partem nobis devincire.

13. Quod si monarchae vel principi serviat aliquis Societati parum addictus, invigilandum ut sive per nostros, sive potius per alios ille in amicitiam ac familiaritatem Societatis inducatur, promissis favoribus ac promotionibus per principem aut monarcham suum procurandis.

14. Caveant omnes quacumque ratione dimissos a Societate, et praesertim illos qui sua sponte ab ea discedere voluerunt, apud quemquam commendare, aut promovere; quia quantum-

cunque illi dissimulent, semper tamen irreconciliabile odium adversus Societatem gerunt.

15. Denique ita omnes solliciti sint, principes, magnates, et magistratus cujusque loci conciliare, ut etiam contra consanguineos, et affines, et amicos suos, pro illis, quando occasio sese obtulerit, strenue fideliterque agant.

CAPUT III.—Quomodo agendum Societati cum illis qui magnæ sunt auctoritatis in Republica, et quamvis divites non sint, aliis tamen modis juvare possunt.

1. Præter supradicta, quæ fere omnia proportionaliter illis applicari possunt, curanda est gratia illorum adversus adversarios nostros.

2. Utendum etiam auctoritate, prudentia et consilio eorum, ad coemptionem honorum et acquisitionem variorum munerum a Societate obeundorum; adhibito etiam tacite et plane secreto illorum nomine in augmentatione bonorum temporalium, si satis illis putetur confidendum.

3. Adhibendi etiam ut mitigent et compescant homines viliores, et plebem Societati nostræ contrariam.

4. Ab episcopis, prælatis et aliis superioribus ecclesiasticis, pro diversitate rationum et propensione in nos, ea exigenda quæ fuerint opportuna.

5. In quibusdam partibus satis erit, si procuretur ut prælatis et parochi efficiant quod subditi illorum Societatem revereantur, et ipsi ministeria nostra non impedian, in aliis locis ubi plus possunt, ut in Germania, Polonia, etc. Sacro sancte colendi, ut auctoritate illorum et principum, monasteria, parochiæ, præposituræ, patronatus, altarium foundationes, loca pia fundata ad nos divelli possint; facillime enim ea assequi poterimus in locis ubi catholici hæreticis et schismaticis permixti sunt. Demonstrandum ejusmodi prælatis, immensum fructum et meritum ex talibus mutationibus oriundum, a sacerdotibus, sæcularibus et monachis non expectandum; quod si fecerint laudandus palam illorum zelus, etiam scripto, inculcandaque memoria facti perpetua.

6. Conandum eo fine ut prælatis tales nostris tum a confessionibus, tum a consiliis utantur, et siquidem in spe sint, aut prætentione, ad altiores gradus in curia romana, juvandi omni contentione ac conatu amicorum, ubicumque ad hoc conferre valentium.

7. Curent etiam nostri apud episcopos et principes, ut dum

fundant et ad ecclesias parochiales, Societas habeat potestatem statuendi vicarium habentem curam animarum, ipse vero superior loci pro tempore existens sit parochus, et sic totum regimen ecclesiæ illius erit nostrum, et parochiani omnes Societati plene erunt subjecti, ut quidvis ab illis impetretur.

8. Ubi academici sunt nobis repugnantes, vel catholici, aut hæretici cives foundationes impediētes, ibi per prælatos conandum, ut primariæ cathedræ concionatoriæ occupentur; sic enim continget Societatem aliquando saltem necessitates ac rationes per occasionem exposituram.

9. Maxime vero prælati Ecclesiæ devinciendi erunt, quando agatur de beatificatione aut canonizatione nostrorum, et tunc omnibus modis a magnatibus et principibus litteræ procurandæ erunt, in quibus apud Sedem apostolicam negotium promoveatur.

10. Si contingat prælatos aut magnates legationem obire, cavendum sedulo ac præveniendum ne aliis religiosis qui nobiscum certant utantur; ne affectum in illos transferant, et in provincias ac civitates in quibus nos moramur, inducant. Quod si hujusmodi legati transiverint illias provincias vel civitates, ubi Societas collegia habet, excipiantur magno honore et affectu, et pro modestia religiosa tractentur.

#### CAPUT IV.—Quæ commendata esse debeant concionatoribus et confessariis magnatum.

1. Nostri, principes virosque illustres ita dirigant, ut solum ad majorem Dei gloriam tendere videantur, et ad talem austeritatem conscientiæ, quam ipsimet principes concedunt; neque enim statim sed sensim spectare debet directio illorum externam et politicam gubernationem.

2. Ideo sæpe illis inculcandum distributionem honorum et dignitatum in republica spectare ad justitiam, graviterque Deum offendi a principibus, si contra eam spectant, et ex passione procedunt. Protestentur sæpe ac serio se nullo modo velle in reipublicæ administrationem ingerere, sed invitos dicere, ratione officii sui. Tum ubi sæmel bene hæc apprehenderint, explicetur quibus virtutibus præditi esso debeant qui ad dignitates et munia publica ac primaria assumendi sunt, nominenturque tandem, et commendentur ab illis qui sunt sinceri amici Societatis. Hoc tamen non fiet immediate per nostros, nisi princeps ad hoc coegerit, sed plus

gratiae habebit, si interponantur amici vel familiares principia.

3. Quocirca confessarii et concionatores nostri informantur ab amicis nostris, qui pro quovis munere sunt apti, præsertim tales qui erga Societatem liberales sunt, horum nomina apud se habeant, et suo tempore cum dexteritate, sive per se, sive per alios, principibus insinuent.

4. Meminerint summopere confessarii et concionatores, principes suaviter et blande tractare, nullo modo in concionibus et privatis colloquiis perstringere, omnes pavores ab illis remove, et in ipsa fide, justitia, politica potissimum adhortari.

5. Munuscula parva vix unquam pro privato usu acceptent, sed commendent necessitatem communem provinciæ aut collegii domi; cubiculo simpliciter instructo gaudeant, neque curiose nimis se vestiant, et ad abjectiores personas, quæ in palatio sunt, juvandas ac consolandas prompte se conferant, ne solis magnatibus præsto esse videantur.

6. Quamprimum post mortem officialium curent ut de substituendis amicis Societatis mature agant, et suspicione se eximant extorti regiminis; quare etiam, uti supradictum est, immediate se non impendent, sed amicos fideles, ac potentes, qui sustinere invidiam possunt, si quæ oriatur.

CAPUT V.—Quomodo agendum cum religiosis, qui iisdem in ecclesia, quibus nos, fructionibus vacant.

1. Genus istud hominum ferendum animose, interim principibus et illis qui aliqua auctoritate valent, et aliquo modo nobis addicti sunt, explicandum et indicandum opportune nostram Societatem omnium ordinum continere perfectionem, præter cantum et exteriorem in victu et vestitu asperitatem; et si quæ religiones in aliqua excellant, Societatem eminentiori modo lucere in Ecclesia Dei.

2. Inquirantur et notentur defectus aliorum religiosorum, quibus prudenter et plerumque per modum deplorationis apud fideles amicos paulatim defectis ac propalatis, ostendatur minus feliciter illos satisfacere istis functionibus quibus nobiscum concurrunt.

3. Majori conatu eundem est contra eos qui scholas pro juventute docenda instituere volunt istis locis, in quibus cum honore et utilitate nostri docent. Ostendant principibus et magistratibus tales fore perturbationi et seditioni reipublicæ nisi impediantur, quæ ab ipsismet pueris, qui diversimodo

instruentur, incipient, denique Societatem sufficere juventuti erudiendæ. Quod si religiosi litteras pontificias obtinuerint, aut cardinalium commandationem pro se habeant, agant nostri contra per principes ac magnates, qui Pontificem informant de bene meritis Societatis, et sufficientia ut per illam pacifice juvenis instruatur; procurent etiam et exhibeant testimonia a magistratibus danda de bona illorum conversatione et institutione.

4. Interim pro viribus nostri studeant edere specimen singulare virtutis et doctrinæ exercendo studiosos in studiis, aliisque plausibilibus ludis scholasticis, magnatibus ac magistratibus et populo spectantibus.

#### CAPUT VI.—De conciliandis Societati viduis opulentis.

1. Diligantur ad hoc opus patres provectæ ætatis, complexionis vivacis et conversationis gratæ, ab illis visitentur viduæ illæ, et simul atque affectum aliquem erga Societatem ostendunt, vicissim opera et merita Societatis illis offerantur. Quod si acceptent et ecclesias nostras visitare cœperint, prospiciatur eis de confessario, a quo bene dirigantur præsertim in ordine ad constantiam in statu viduali, enumerando et laudando illius fructus et felicitatem; certoque spondeant et tanquam obsides promittant æternum meritum hac ratione conquirendum, et efficacissimum esse remedium ad purgatorias pœnas evitandas.

2. Procuret idem confessarius ut sacello vel oratorio alicui domi adornando occupentur, in quo meditationibus aliisque exercitiis spiritualibus vacare possint, ut sic facilius a conversatione, et procorum visitationibus avocentur; et quamvis sacellorum habeant, nostri tamen a celebratione missæ, et præcipue ab exhortationibus opportune faciendis non abstineant, et sacellum sub se continere studeant.

3. Caute et sensim mutanda quæ ad gubernationem domus spectant, sic habita ratione personæ, loci affectus et devotionis.

4. Amoliendi potissimum tales domestici (sed paulatim) qui planum Societate non communicant aut correspondent, tales que commendandi (si qui substituendi sint) qui a nostris dependeant aut dependere velint: sic enim omnium, qui in familia aguntur, participes esse poterimus.

5. Totus conatus confessarii hoc spectet, ut vidua ejus con-



silio in omnibus utatur et acquiescat; quod ostendatur per occasionem, esse unicum fundamentum profectus spiritualis.

6. Consulatur et celebretur frequens usus sacramentorum, præsertim pœnitentiæ, in quo intima animi sensa et tentationes quascumque liberrime aperiat; deinde frequens communio, auditus sacri ipsiusmet confessarii, ad quod invitabitur cum promissis peculiaribus precibus, recitatio litaniarum et quotidianum examen conscientiæ.

7. Juvabit etiam non parum ad plenissimam cognitionem omnium inclinationum ejus, confessio generalis etiamsi alias alteri facta fuerit, iterata.

8. Exhortationes fient de bonis viduitatis, de molestiis matrimonii, præsertim iterati, de periculis quæ simul incurruntur, etc., quæ maxime ad hominem sunt.

9. Proponendi subinde et dextre proci aliqui, sed tales a quibus scitur bene viduam abhorreere; describantur aliorum vitia, et mali mores, si qui putentur illi arridere, ut sic universim secundas nuptias nauseet.

10. Quando ergo circa viduitatis statum bene affectam esse constat, tunc commendanda vita spiritualis, non religiosa, cujus incommoda potius proponenda, et exageranda, sed qualis fuit Paulæ et Eustochii, etc. Prospiciatque confessarius ut quantocius voto castitatis saltem ad biennium vel triennium emisso, omnem aditum ad secundas nuptias excludat: quo tempore omnis conversatio cum sexu impari et recreationes etiam cum consanguineis et affinibus prohibendæ titulo majoris conjunctionis cum Deo. Ecclesiastici autem a quibus vidua visitabitur, aut quos visitabit, si omnes excludi n. queant, tamen tales sint qui ex nostrorum nutu dependeant.

11. Huc usque ubi progressum fuerit, paulatim ad bona opera præsertim eleemosynas inducenda erit vidua, quæ tamen nulla ratione præstabit sine sui patris spiritualis directione; cum plurimum intersit, ut cum discretione talentum in lucrum spirituale detur, et eleemosynæ male collocatæ sint sæpe causa vel fomentum peccatorum, et sic simplicem tantum fructum et meritum causent.

#### CAPUT VII.—Quomodo conservandæ viduæ, et disponendum de bonis quæ habent.

1. Urgeantur continuo ut pergant in devotione et operibus bonis, sic, ut nulla hebdomada transeat, quin sua sponse

aliquid in honorem Christi, beatæ Virginis, at patroni sui præscindant a de se superfluis, quod ipsum in pauperes erogent, vel ornatui templorum destinent, donec spoliis plerisque et primitiis Ægypti sint exutæ.

2. Quod si præter communem affectum, suam erga Societatem nostram, liberalitatem testentur, idque facere contineant, fiant omnium meritorum Societatis participes, cum indulto speciali provincialis, aut etiam si tantæ personæ fuerint, generalis.

3. Si emiserint votum castitatis, renouent illud more nostro bis in anno, concessa illis pro illa die recreatione honesta cum nostris.

4. Visitentur crebro, et iucundis colloquiis, et historiis spiritualibus, ac faciliis recreentur et foveantur, justa uniuscujusque humorem et inclinationem.

5. Non tractentur nimis rigide in confessione, ne morosæ nimis fiant, nisi forte amissa spe gratiam illarum aliunde occupatam recuperandi; in quo magna discretione de inconstanti mulierum genio judicandum.

6. Arceantur ingeniose a visitationibus et festiuitatibus aliorum templorum, maxime religiosorum, et inculcetur illis omnes aliorum ordinum indulgentias in Societatem esse re-fusas.

7. Si lugendum ipsis sit, permittatur ornatus lugubris cum honesta majestate aliquid spirituale simul et mundanum spirans, ut non apprehendant se a viro spirituali plane gubernari. Denique modo non sit periculum inconstantiae, et erga Societatem fideles et liberales inueniantur, concedatur illis quidquid ad sensualitatem requirunt, moderate et excluso scandalo.

8. Collocentur apud viduas aliæ puellæ honestæ et parentibus diuitibus ac nobilibus natæ, quæ nostrorum directioni et modo vivendi paulatim assuefiant. His præsit aliqua a confessario totius familiæ ad hoc electa et constituta. Subjiciantur syndicationibus aliisque consuetudinibus Societatis, et quæ sese accommodare nolunt, dimittantur ad parentes vel alios a quibus adductæ erant, describantur tanquam dyscolæ, difficilis genii, etc.

9. Nec minor cura sanitatis, et recreationis illarum, quam salutis habenda erit: quare si de valetudine conquerantur, statim jejunia cilicia, disciplinæ aliæque pœnitentiæ corporales, prohibebuntur: neque permittantur ad templum etiam exire, sed domi secreto et caute administrentur. Dissimuletur cum

illis ingressus in hortum vel collegium, modo secreto id fiat; permittantur colloquia et recreationes secretæ cum iis qui maxime arriserint.

10. Pro dispositione reddituum quos habet vidua in favorem Societatis facienda, proponatur perfectio status hominum sanctorum, qui relicto mundo, parentibus et bonis abdicatis, cum magna resignatione et animi hilaritate Deo servierunt. Exponantur in ordine ad hoc quæ habentur in constitutione et examine Societatis, de istius modi renuntiatione et abnegatione omnium rerum. Allegentur exempla viduarum, quæ sic brevi in sanctas evaserunt, cum spe canonizationis, si sic in finem usque perseveraverint, ostendaturque ipsis non defuturam ad hoc nostrorum apud Pontificem auctoritatem.

11. Imprimendum ipsis hoc firmiter, si conscientia perfecta quiete frui velint, omnino sine murmuratione, tædio, aut ulla reticentia interiori, sequendam esse tam in temporalibus quam in spiritualibus confessarii directionem, tanquam a Deo peculiariter destinati.

12. Instruendæ etiam, per occasionem, gratius esse si personis ecclesiasticis, maxime religiosis, spectatæ et exemplaris vitæ, eleemosynas suas dent, non nisi conscio tum et approbante confessario.

13. Cavebunt diligentissime confessarii ne quocumque prætextu hujusmodi viduæ illorum poenitentes alios religiosos invisant, aut familiaritem cum illis ineant; quod ut impediant, conabuntur suo tempore deprædicare Societatem tanquam ordinem superlativum præ cæteris, et utilissimum in Ecclesia, majoris auctoritatis apud Pontificem et principes omnes; perfectissimum in se, quia dimittit noxios et inidoneos, adeoque sine spuma et fecibus vivit, quibus scutent monachi, plerumque indocti, bardi, segnes, salutis suæ incurii, ventricolæ, etc.

14. Proponant confessarii et suadeant illis ordinarias pensiones et tributa, quibus sublevantur annuatim collegiorum et domorum professorum debita, præcipue domus professorum romanæ, nec immemores sint ornamentorum templi, ceræ, vini, etc. ad celebrationem missæ sacrificii necessariorum.

15. Quod si in vita sua vidua ex pleno bona sua Societati non inscripserit, proponatur illi, per occasionem, et præsertim ingruente gravi morbo aut periculo vitæ, egestas, novitas et multitudo plurimorum collegiorum nondum fundatorum, inducanturque suaviter et fortiter ad sumptus faciendos, quibus æternam gloriam sunt fundaturæ.

16. Idem faciendum cum principibus, et benefactoribus aliis, persuadendum, inquam, ea quæ perpetua sunt in hoc mundo et in altero æternam illis gloriam a Deo paritura. Quod si hinc inde aliqui malevoli allegent exemplum Christi, qui non habebat ubi caput reclinaret, velintque socios Jesu similiter esse pauperrimos, ostendatur et serio imprimatur, passim omnibus, Ecclesiam Dei nunc mutatam et monarchiam factam, quæ auctoritate et potentia magna tueri se debet, contra potentissimos inimicos, et esse lapidem illum parvum excisum qui crevit in montem maximum, prædictum per prophetam.

17. Istis quæ addictæ sunt eleemosynis et ornatui templorum ostendatur crebro, summam perfectionem in eo consistere, quod terrenarum rerum amore sese exuentes, ipsum Christum ejusque socios, earum possessores faciant.

18. Sed quia minus semper sperandum a viduis quæ liberos suos ad seculum dirigunt, videbimus.

#### CAPUT VIII.—Quomodo faciendum ut filii et filiæ viduarum religiosum aut devotiorum statum amplectantur.

1. Sicut matribus fortiter, sic nostris suaviter, in hac materia est agendum. Matres nimirum instruendæ ut proli suæ reprehensionibus, castigationibus, etc. molestæ sint a teneris; dum provectiones præsertim filiæ fuerint, muliebrem ornatum et clenodias illis negent, optando sæpe et Deum rogando ut ad statum ecclesiasticum adspirent et pollicendo insignem dotem si moniales esse voluerint. Exponant sæpe difficultates quæ in matrimonio sunt omnibus communes, et si quas ipsæmet in particulari expertæ sint, dolendo quod cælibatum suo tempore, matrimonio non prætulerint, denique sic agant continuo, ut filiæ præsertim, tædio vitæ apud matrem tali modo transigendæ, de statu religioso cogitent.

2. Cum filiis conversentur nostri familiariter, siquidem ad Societatem nostram apti visi fuerint introducantur opportune in collegium, et ostendantur, explicenturque illis ea, quæ quoquo modo grata futura, et ad Societatem amplectendam invitatura creduntur, ut sunt horti, vineæ, domus rurales, et prædia, ubi nostri sese recreant; narretur illis itineratio ad diversa regna, communicatio cum principibus mundi, et quæcumque juvenilem ætatem oblectant, in refectorio et cubiculis exterior mundities, blanda conversatio inter nostros, regulæ nostræ facilitas, cui tamen compromissa est gloria Dei, ordinis

denique nostri super alios præeminentia et colloquia simul facere cum piis commisceantur.

3. Moneantur quasi ex revelatione interdum ad religionem in genere, deinde caute insinuetur perfectio et commoditas nostra præ cæteris, exponanturque tum in publicis exhortationibus, tum in privatis colloquiis, quam sit grave contra vocationem divinam calcitrare, tandemque inducantur ad faciendâ exercitia spiritalia, ut de statu vitæ deligendo concipiant.

4. Procurent nostri ut hujusmodi adolescentes instructores habeant Societati addictos, qui continuo invigilent et hortentur; si autem reluctantur, subtrahantur hinc inde aliqua, ut talis vitæ afficiantur. Exponat mater difficultates familiae. Tandem, si non ita commode fieri possit, ut sua sponte animum ad Societatem adjiciant, mittantur titulo studiorum ad remota Societatem adjiciant, mittantur titulo studiorum ad remota Societatis gymnasia, et ex parte matris pauca submittantur solatia, et ex parte vero Societatis adhibeantur lenocinia, ut affectum in nostros transferant.

#### CAPIT. IX.—De redditibus collegiorum augendis.

1. Nemo quantum fieri poterit ad ultimam professionem admittatur, quamdiu successiones aliquas expectet, nisi fratrem se juniorem habeat in Societate, vel ob alias graves causas; in omnibus tamen et ante omnia consulendum est amplificationi Societatis secundum fines superioribus notos, qui in hoc saltem conspirent, ut Ecclesia ad majorem gloriam Dei pristino nitori restituatur, et totius cleri non nisi unus sit spiritus; quocirca frequenter nonendum est et passim promulgandum, Societatem partim constare ex professis adeo mendicis, ut præter largitiones quotidianas fidelium, careant omnibus omnino, partim etiam aliis patribus pauperibus quidem sed qui possident bona stabilia, ne sint in gravamen populi pro studiis ac functionibus suis, ut sunt cæteri mandicantes; ideoque serio inculcent confessarii principum, magnatum, viduarum, et aliorum a quibus Societas multum sperare potest, ea quæ hanc materiam concernunt, ut dum spiritalia illis conferunt et divina, ad minimum terrena et temporalia ab illis recipiant, neque vix unquam omittant occasiones recipiendi cum offertur. Si autem promissum fuerit et differatur, prudenter in memoriam revocetur, quantum tamen fieri potest omnem affectum erga divitiarum dissimulando. Quod

si qui ex confessariis sive magnatum sive aliorum ad hæc in praxin redigenda minus videatur, tempori et caute amoveatur, alio in locum ejus suffecto, et si necessarium sit ad majorem pœnitentium satisfactionem, ad remotiora collegia relegetur, dicendo Societatem plurimum illius persona ac talentis ibidem indigere. Nuper enim audivimus juvenes viduas immatura morte præventas, negligentia nostrorum suppellectilem valde pretiosam, templis Societatis dicatam non legasse, eo quod tempestive acceptata non esset; neque est ad similia acceptanda tempus, sed bona pœnitentium voluntas spectanda est.

2. Prælati, canonici, pastores, aliique opulenti ecclesiastici industriis variis ad exercitia spiritualia sunt alliciendi, et paulatim sic mediante affectu erga res spirituales Societati conciliandi, deinde eorum liberalitas paulatim prognosticanda.

3. Non negligent confessarii interrogare pœnitentes suos (opportune tamen) de nomine, familia, affinibus, parentibus, amicis, bonis, dein spectare successiones illorum, statum, intentionem ac resolutionem; quam si nondum sumpserint Societati favorem, oportebit persuadere; quod si spes alicujus utilitatis prima fronte affulgeat, quia non expedit de omnibus simul interrogare, jubeantur sive titulo majoris elucidationis conscientiæ, sive pœnitentiæ medicinalis, hebdomatim confiteri, et honeste ab eodem confessario invitentur, ut quod una vix inquirere non potuit, pluribus inquirat. Quod si successerit ex voto, si femina fuerit, ad persistendum in frequenti confessione et visitatione; si vir ad sodalitatem frequentandam, et familiaritatem nostrorum, quoque modo inducatur.

4. Quæ de viduis dicta sunt, eadem agenda circa mercatores, cives opulentos, et conjugatos prole carentes, intelligantur; a quibus non raro Societas ex asse hæreditatem acquirit, si prudenter hæc praxes executioni mandentur. Potissimum autem hæc observanda erunt, circa opulentas devotarias nostros frequentantes, quæ si non sint parentibus valde nobilibus natæ, tantum ad summum poterit vulgus obmurmurare.

5. Rectores collegiorum conabuntur habere notitiam domorum, hortorum, prædiorum, vicarum, pagorum, cæterumque bonorum, quæ a primariis nobilibus, mercatoribus aut civibus possidentur; et si fieri potest, gravaminum ac reddituum, quibus onerantur; sed caute in præstandum et efficacissime per confessionem, sodalitatem, ac privata colloquia. Quod si confessarius pœnitentem divitem adeptus sit, continuo rectorem moneat, et omni modo fovere conetur.

6. Porro summa rei in eo constituenda est, quod nostri omnes apposite benevolentiam pœnitentium et aliorum, quibuscum conversantur captare norint, et singulorum inclinationi se accommodare. Quapropter ad loca quæ a divitibus et nobilibus inhabitantur, provinciales provideant ut multi mittantur; et ut provinciales id prudentius ac felicius faciant, rectores de messe illos accurate instruere suo tempore meminerint.

7. Inquirant etiam an contractus et possessiones, per receptiones filiorum in Societatem, ad illam transire possint; et si fieri potest, explorent an bona aliqua sic per pactum aliquod conducta, vel aliter collegio cadere possint, ut post tempus Societati cedant; ad quem finem Societatis necessitas, et gravamen debitorum, omnibus præsertim magnatibus et divitibus intimanda erunt.

8. Si contigerit viduos aut conjugatos divites nobis addictos tantum habere filias, eas nostri blande dirigent ad statum devotorium, vel ad religionem monialium; dote aliqua illis relicta, cætera Societati paulatim acquirentur. Quod si filios habeant, qui Societati apti erunt, ad illam allicientur, alii ad alias religiones, etiam certo minimo compromisso inducendi erunt. Sed si filius unicus sit quibuscumlibet modis ad Societatem pertrahendus erit, eique metus omnis parentum ex animo removendus, et vocatio Christi inculcanda est, ostendendo etiam Deo sacrificium gratissimum fore, si parentibus insciis et invitis aufugerit; deinde mittantur ad novitiatum remotum, præmonito prius generali. Quod si filios et filias habeant, prius filiæ in monasterium vel statum devotorium dirigantur, deinde filii in Societatem cum successione bonorum pertrahantur.

9. Superiores hujusmodi viduarum et conjugatorum confessarios suaviter et fortiter moneant, ut sese utiliter pro Societate secundum hæc monita impendant; quod si non fecerint; alii eorum loco substituantur et ipsi removeantur, sic ut notitiam cum illa familia fovere non possint.

10. Viduæ vel aliæ personæ devotæ, quæ videntur magno affectu ad perfectionem tendere, inducantur ad hoc tanquam ad efficacissimum medium perveniendi ad apicem perfectionis, si omnes suas possessiones Societati cedant, et vivant annona Societatis, quæ illis secundum exigentiam continuo administrabitur, ut sine ulla cura ac sollicitudine Deo liberius serviant.

11. Ad persuadendam efficacius paupertatem Societatis,

superiores a ditioribus personis Societati addictis mutuent pecunias sub chirographo, quarum solutio differatur; deinde tempore morbi præsertim periculosi talis persona constanter visitetur, et omni ratione præveniatur, ut tandem moveatur ad reddendum chirographum; sic enim nostri non agnoscentur testamento, et interim nihilominus lucrabimur absque invidia succedentium in bona morientis.

12. Conveniet etiam ab aliquibus personis pecuniam sub annuo redditu sumere, et eamdem nummo altiori alibi constituere, ut redditus redditum compenset; interim enim fieri poterit, ut amici, qui pecunias sic mutuo dederunt, misericordia nostri moti, lucrum aut subinde etiam capitale, sive testamento, sive donatione inter vivos, Societati cedant, dum collegia struuntur, aut templa ædificantur.

13. Utiliter etiam Societas sub nomine mercatorum divitum nobis addictorum negotiari poterit; sed respiciendum certum ac copiosum lucrum, etiam in Indiis, quæ Societati non tantum animas, verum etiam opes multas hactenus, Deo favente, subministrarunt.

14. Procurent nostri habere in locis ubi resident, medicum aliquem Societati fidelem, quem apud ægros præ cæteris præcipue commendent et extollant; ut vicissim ipse nostros præ cæteris religiosis commendans, efficiat ut passim apud primarios ægrotos et præsertim moribundos vocemur.

15. Confessarii sint assidui in visitandis ægris, potissimum qui periclitantur, et ut alios religiosos ac ecclesiasticos inde honeste eliminent, procurent superiores, ut tempore illo quo confessarius discedere cogitur ab ægroto, continuo alii succedant, et ægotum in bonis propositis foveant; interim incutiendus erit prudenter horror inferni, etc., ad minimum purgatorium, demonstrandumque, quod sicut aqua exstinguit ignem, sic eleemosyna exstinguit peccatum; nusquam autem melius eleemosynas impendi posse quam in hujus modi personarum alimentum ac subsidium qui ex vocatione sua profitentur charitatem erga salutem proximi; sic enim illius participes faciendos, et satisfacturos ægrotos pro peccatis propriis, quia charitas operiit multitudinem peccatorum; describi potest quoque charitas, tanquam vestis illa nuptialis, sine qua nemo admittitur ad mensam cœlestem. Denique ex scriptura et sanctis patribus alleganda erunt, quæ, respectu habito ad capacitatem ægroti, efficacissima judicabuntur ad illum permovendum.

16. Mulieres conquerentes de vitiis aut molestiis suorum



maritorum, doceantur subtrahere secreto summam aliquam pecuniæ illamque Deo offerre pro expiandis peccatis maritorum, et impetranda illis gratia.

#### CAPUT X.—De disciplinæ hujus rigore privatæ in Societate.

1. Dimittendus erit quilibet, vel cujusvis conditionis vel ætatis, alio colore quæsito, tanquam hostis Societatis, qui devotas nostras vel alios amicos alienaverit a templo nostro vel frequentatione nostrorum, aut eleemosynas ad alia templa vel alios religiosos diverterit, vel alicui opulento, aut bene Societati congruo illas dissuaserit; tum etiam qui circa tempus, quo de bonis propriis disponendum erat, affectum erga consanguineos potius quam erga Societatem, ostenderint; hoc enim magnum immortificati animi signum est, et convenit professos esse plane mortificatos, item qui eleemosynas a pœnitentibus aut aliis amicis Societatis ablatas ad consanguineos suos pauperes diverterint. Ut autem de causa dimissionis suæ postea non conquerantur, non dimittantur statim, sed prohibeantur primo ab audiendis confessionibus, mortificentur et vexentur exercitiis vilissimorum officiorum; cogantur ad ea in dies præstanda a quibus aversionem maximam habere cognoscuntur; removeantur ab altioribus studiis hac honorificis muniis; urgeantur capitulis ac reprehensionibus publicis; arceantur a recreationibus, et conversatione externorum; subtrahantur in vestibulis, aliisque utensilibus, ea quæ omnino necessaria non sunt, donec ad murmurationem et impatientiam inducantur, et tunc tanquam nimis immortificati, et aliis malo exemplo perniciosi dimittantur; et si ratio dimissionis parentibus aut prælatis ecclesiis danda sit, dicantur non habuisse spiritum Societatis.

2. Dimittendi insuper erunt qui scrupulum fecerint in acquirendis Societati bonis, dicanturque esse nimium proprio judicio addicti. Quod si apud provinciales rationem facti sui reddere voluerint, non audiantur, sed urgeantur ad regulam quæ omnes obligat ad cæcam obedientiam præstandam.

3. Reflectendum erit ab initio et a teneris, quinam maxime in affectu erga Societatem proficiant, qui autem affectum erga alios ordines, aut pauperes, aut parentes, tenere deprehendantur, cum sint futuri inutiles, modo supra dicto, paulatim ad dimissionem disponantur.

CAPUT XI.—Qualiter se nostri unanimiter præstabunt  
contra dimissos è Societate.

1. Quoniam dimissi saltem aliquorum secretorum conscii sunt, plerumque obsunt; ac proinde eorum conatibus obviandum erit his modis; antequam e Societate dimittantur, inducantur ut promittant scripto, et jurent se nihil de Societate unquam sinistri scripturos vel dicturos. Interim superiores servant scripto malas inclinationes, defectus ac vitia illorum, quæ ipsi aliquando in manifestatione conscientiae suæ pro more Societatis dederunt, quibus si necesse fuerit, Societas apud magnates et prælatos ad illorum promotionem impediendam se juvare poterit.

2. Scribatur quamprimum per collegia, quinam dimissi sint, exaggerenturque causæ dimissionis generales, immortificatio animi, inobedientia, parvus affectus erga exercitia spiritualia, proprium judicium, etc. Deinde moneantur alii omnes ne cum illis ulla ratione correspondeant; et si ab externis de dimissis mentio fiat, loquantur omnes uniformiter et passim dicant, Societatem neminem dimittere sine gravibus causis, ejicere instar maris cadavera, etc. Insinuentur etiam caute hujus modi causæ, propter quas odio habemur, ut plausibilior sit dimissio.

3. In domesticis exhortationibus persuadeatur dimissos esse plane inquietos, et continuo Societatem repetere; exaggerenturque infortunia eorum qui post discessum a Societate male perierunt.

4. Obviandum etiam erit accusationibus, quas dimissi e Societate facere possent, per auctoritatem virorum gravium, qui passim declarent Societatem neminem sine gravi causa dimittere, neque præscindere sana membra; quod confirmari potest per zelum quem habet, et generatim ostendit Societas erga animas externorum, quanto magis erga domesticos suos.

5. Deinde hujusmodi magnates aut prælati, apud quos dimissi aliquid auctoritatis aut fidei sibi conciliare cœperint, omni genere beneficiorum a Societate præveniendi sunt, ac obstringendi; explicandum illis quomodo bonum commune unius Religionis tam celebris, quam utilis Ecclesiæ, præponderare debeat bono privato qualiscumque personæ; quod si affectus erga dimissos perseveret, juvabit causas dimissionis

excitata, et exaggerare etiam que non adeo certa sunt, modo per probationem consequentiam deducantur.

6. Quod modo præcavendum erit, ne præsertim ii, qui sua sponte Societatem inseruntur, promoveantur ad aliqua officia aut dignitates Ecclesiæ, nisi se suæque omnia Societati submiserint et adixerint, ita ut omnibus constare possit quod a Societate omnino dependere velint.

7. Precautur tempore ut ab exercitio functionum celebrum in Ecclesiâ, ut sunt ordines, confessiones, evulgationes librorum, etc., quantum fieri potest sint remoti, ne affectum et plura videri sibi coadherent. Eo fine diligentissime in vitam ac mores librorum erit inquirendum, nec non in sodalitia, conviviis, etc., et intentiones dimissi. Quocirca efficiendum erit, ut cum aliquo e familiis illa, quam dimissi incolunt, non sit peculiaris correspondentiam habeant. Quamprimum autem quilibet minus laudabile, aut censura dignum deprehensum fuerit, per personas inferioris ordinis nobis addictas in vulgus dispergatur, deinde magnates vel prælati, qui dimissos fovent, future infamiae indicibus teneantur. Quod si nihil committant reprehensione dignum, et laudabiliter se gerent, extenuentur argutis propositionibus, ambiguisque verbis eorum virtutes, operaque quæ commendantur, donec æstimatio et fides quæ antea illis adhibebatur, imminuatur; Societatis enim plene interest, dimissos et præsertim eos, qui eam sua sponte deseruerunt, prorsus suppressi.

8. Infortunia et eventus sinistri, qui illis accidunt, quamprimum divulganda sunt, imploratis tamen precibus personarum piarum, ut non credantur nostri ex passione procedere; domi vero omnibus modis exaggerentur, ut alii contineantur.

## CAPUT XII.—Quinam conservari ac foveri in Societate debeant.

1. Primum locum tenere debent strenui operarii, qui, scilicet, non minus temporale quam spirituale Societatis bonum promonent, quales sunt plerumque confessarii principum ac magnatum, viduarum et devotarum opulentarum, concionatores et professores, et quicumque horum secretorum sunt consilii.

2. Corruentes viribus et defecti ætate, secundum quod talenta sua pro bono Societatis temporali impenderunt adeo ut habeatur decens ratio messis præteritæ; præterquam quod adhuc apta instrumenta sint ad deferendos superioribus

defectus ordinarios quos in reliquis domesticis, cum perpetuo domi sint, animadvertunt.

3. Dimittendi illi nunquam erunt, quantum fieri poterit, ne Societas male audiat.

4. Præterea, fovendi quicumque ingenio, nobilitate, aut divitiis excellunt, præsertim si amicos et consanguineos Societati addictos habeant et potentes, et revera ipsi sincero affectu erga Societatem sint, secundum explicationem supra datam. Mittendi illi Roman, vel ad universitates celebriores ut studeant; si autem in provincia studuerint, peculiari affectu et favore professorum sunt promovendi. Quoadusque cessionem bonorum suorum fecerint Societati, nihil illis denegetur, sed postquam illam fecerunt, mortificentur ut cæteri, semper tamen respectu aliquo habito ad præterita.

5. Erit etiam ratio peculiaris eorum apud superiores, qui selectos aliquos juvenes ad Societatem allegerint, quando quidem affectum suum erga Societatem non parum testati sunt; sed quandiu illi nondum professi sunt, videndum ne nimium illis indulgeatur, ne forte fortuna, quos ad Societatem adduxerunt, reducant.

#### CAPUT XIII.—De delectu juvenum in Societatem admit- tendorum, et modo retinendi.

1. Summa prudentia contendendum est, ut diligantur juvenes ingenio bono, forma non contemnenda, genere nobiles, aut quod minimum horum aliquo excellentes.

2. Ut facilius ad institutum nostrum pertrahantur, peculiari affectu quamdiu student a præfectis scholarum et magistris sunt præveniendi; extra tempora scholæ ab iisdem sunt instruendi, quam gratum Deo sit, si quis illi se, et sua omnia præsertim in Societate filii sui, consecret.

3. Ducantur occasione data per collegium et hortum, imo aliquando etiam ad villas, et cum nostris versentur tempore recreationum, et paulatim familiares fiant, cavendo tamen ne familiaritas pariat contemptum.

4. Non permittantur castigari, et in ordinem redigi a præceptoribus cum aliis discipulis.

5. Munusculis ac privilegiis variis, ætati illorum conformibus, devinciendi sunt, et maxime colloquiis spiritualibus sunt animandi.

6. Inculcetur illis hæc fieri dispositione divina, tanquam

ad Societatem electis præ tot aliis idem *gymnasium* frequentatibus.

7. Aliis occasionibus, præsertim exhortationibus, terreni sunt minis damnationis æternæ, nisi divinæ vocationi obtemperent.

8. Si Societatem ingredi constanter petant, differatur illorum admissio, quamdiu constantes manent; quod si mutabiles appareant, quamprimum et omnibus modis foveantur.

9. Admoneantur efficaciter ne ulli familiari suo, et ne quidem parentibus vocationem suam aperiant, priusquam admissi sint. Quod si deinde aliqua illos tentatio resiliendi superveniat, in integro tum ipsi, tum Societas erit, et si illa superata fuerit, semper erit occasio illos rememoratione ejusdem postea animandi, si tempore novitiatus, aut post emissa vota simpliciter obveniat.

10. Quiavero maxima difficultas est in alliciendis magnatum, nobilium, senatorum filiis quamdiu apud parentes sunt, qui illos, ac succedendum illorum officiis educant, persuadendum illis per amicos potius quam per personas Societatis, ut illos in aliis provinciis, et remotis universitatibus collocent, in quibus nostri docent, præmissis instructionibus ad professores de qualitate et conditionibus illorum, ut affectum illorum Societati facilius et certius concilient.

11. Quando ad ætatem aliquo modo maturam pervenerint, inducendi erunt ad faciendam, aliqua exercitia spiritualia, quæ in Germanis et Polonis sæpe bonum successum habuerunt.

12. Perturbationibus et afflictionibus illorum occurrendum erit, pro qualitate et conditione uniuscujusque adhibitis demonstrationibus, et exhortationibus privatis de malo successu divitiarum, et bono vocationis non contemnendo sub pœna indictionis pœnæ infernalis.

13. Apud parentes, ut facilius filiorum suorum desiderio in Societatem ingrediendi condescendant, ostendatur excellentia instituti Societatis, præ aliis religionibus, sanctitatis et doctrinæ patrum nostrorum, æstimatio integra apud omnes, honor et applausus universalis, qui Societatis a summis et a minimis defertur; et recenseatur numerus principum et magnatum, qui magno animi sui solatio in hac Societate Jesu vixerunt, et mortui sunt, et etiam nunc vivunt. Ostendatur quam gratum Deo sit quod juvenes sese illi mancipient, præsertim in Societate filii sui, et quam bonum sit viro, cum portaverit jugum Domini ab adolescentia sua. Quod si de teneritudine et minus perfecta ætate disceptetur, declaratur facilitas instituti

nostri quod præter trium votorum observationem, nihil aliud quod valde molestum sit continet, et quod valde spectandum est, nullam regulam obligare, ne quidem sub peccato veniali.

CAPUT XIV.—De casibus reservatis, et causâ dimittendi è Societate.

1. Præter casus expressos in constitutionibus, a quibus solus superior aut confessarius ordinarius, cum ejus licentia, absolute poterit, sunt sodomia, molities, fornicatio, adulterium, stuprum, tactus, impudicus maris aut feminae, præterea si quis quacumque zeli causa aut occasione quomodolibet quidquam gravæ moliat contra Societatem, ejusque honorem aut utilitatem, quæ etiam omnes sunt justæ causæ dimissionis.

2. Quod si quis aliquid hujusmodi confiteatur sacramentaliter, non prius absolvatur, quam promiserit se extra confessionem superiori manifestaturum per se, vel per confessarium; tum superior concludet, pro bono communi Societatis, quod melius videbitur; et si certa spes sit criminis occultandi, conformi pœnitentia plectendus erit, sin vero quamprimum dimittendus; caverit sibi interim confessarius dicere pœnitenti illum periclitari de demissione.

3. Si quis ex nostris confessariis audiverit ab aliqua persona externa, quod cum aliquo e Societate rem turpem commiserit, non eam prius absolvat, quam extra confessionem aperuerit nomen illius cum quo peccavit; quod si dixerit, adhuc non absolvatur, nisi jurejurando se obstrinxerit se nunquam id ulli mortalium revelaturum sine consensu Societatis.

4. Si duo ex nostris carnaliter peccaverint, si prior manifestaverit, in Societate retineatur, alter dimittatur; sed deinde is qui detinetur ita mortificetur, et undequaque affligatur, ut præ tædio et impatiente occasionem det dimissioni, quæ statim arripiatur.

5. Poderit etiam Societas, cum sit corpus nobile et præstans in Ecclesia, a se præscindere hujusmodi personas, quæ ad Instituti nostri executionem minus idoneæ videbuntur, quamvis initio satisfecerint, et facile invenietur occasio; si, nempe, continuo vexentur, et omnia fiant contra illorum, inclinationem, subjiciantur superioribus tetricis, arceantur a studiis ac functionibus honorificentioribus, etc., donec obmurmurent.

6. Retinendi etiam nullatenus sunt, qui aut superioribus palam insurgunt, aut palam aut clam apud socios ac potissimum externos conqueruntur; item qui apud domesticos vel

externos modum agendi Societatis, quoad acquisitionem aut administrationem bonorum temporalium condemnant, vel alias rationes agendi, verbi gratia, conculcandi ac suppressendi male affectos erga Societatem, vel dimissos, etc., quin etiam qui Venetos, Francos, aut alios a quibus Societas pulsa, et gravia damna passa est, in colloquiis ferunt aut defendunt.

7. Ante dimissionem, acerrime agitandi sunt ii qui demittentur, amovendi a consuetis officiis, et modo huic, modo illi applicandi, interim quantumcumque bene præstiterint, reprehendendi, eoque titulo alteri applicandi; pro leviori culpa quam forte commiserint graves poenæ assignentur, confundantur publice usque ad impatientiam, tandemque tanquam aliis perniciosi dimittantur; ad hoc autem locus, de quo minima opinantur, eligatur.

8. Si de aliquo nostrorum spes certa sit de obtinendo episcopatu, aut alia dignitate ecclesiastica, præter consueta Societatis vota, cogatur alterum emittere, quod semper bene de Instituto Societatis sensurus sit, ac dicturus, neque alio confessario quam qui de Societate sit, utetur, quin imo se in nullis rebus alicujus momenti quidquam dispositurum, nisi audito judicio Societatis. Quod quia cardinalis Toletus non observavit, Societas a Sancta Sede impetravit, ut posthac nullus maranus, perfidiæ judaicæ aut mahometicæ hæres admittatur, qui tale votum præstare noluerit, et tanquam acerrimus Societatis hostis quantumcumque celebris esset, dimittatur.

#### CAPUT XV.—Quomodo agendum cum monialibus et devotariis.

1. Caveant valde confessarii et concionatores offendere moniales, aut illis dare occasionem tentationis contra vocationem; sed contra, affectu potissimum superiorum sibi conciliato, procurent confessiones saltem extraordinarias excipere, et conciones apud eas facere, si gratitudinem illarum vicissim experiantur; multum enim juvare Societatem possunt nobiles, præsertim ac divites abbatissæ, tum per se, tum per parentes ac amicos suos, adeo ut mediante notitia primariorum monasteriorum paulatim in notitiam et amicitias totius fere civitatis Societas venire possit.

2. Vitandum tamen ex altera parte devotariis nostris, ne monasteria feminarum frequentent ne vivendi ratio illa ipsis magis arideat, et sic Societas expectatione omnium bonorum, quæ possident, frustretur. Inducantur vero ad præstandum

votum castitatis et obedientiæ in manibus confessarii sui, ostendaturque illam vivendi rationem esse conformem primitivæ Ecclesiæ moribus, utpote lucentem in domo, et non sub modio sine proximi ædificatione ac fructu animarum; præterquam quod exemplo viduarum illarum evangelicarum Christo in Sociis suis benefaciant de substantia sua; denique omnia quæ in præjudicium claustralis vitæ sunt, exponantur eique applicent, hujusmodi instructiones illis sub secreti sigillo communicent, ne forte ad aures religiosorum perveniant.

#### CAPUT XVI.—De contemptu divitiorum palam præ se ferendo.

1. Ne sæculares nobis adscribant nimium affectum erga divitias, juvabit nonnumquam recusare aleemosynas minoris momenti, quæ pro officiis a Societate præstitis offeruntur, quanquam ab iis qui omnino nobis sunt addicti, etiam minimas quascumque acceptare conveniat, ne avaritiæ arguamur, si tantum dona insigniora admittamus.

2. Negandæ erunt sepulturæ personis vilibus in templis nostris, quamvis valde addicti fuerint Societati, ne videamur pluralitate mortuorum divitias venari, et constet de beneficiis quæ a mortuo recipimus.

3. Cum viduis aliisque personis, quæ Societati pleraque sua dederunt, agendum erit valde resolute et acrius cæteris, paribus quam cum aliis, ne videamur propter considerationem bonorum temporalium illis favere plus quam cæteris. Imo idem observari convenit respectu illorum qui in Societate sunt, sed postquam bonorum suorum cessionem et resignationem in favorem Societatis fecerint; et si necesse sit, a Societate dimittantur, sed omni cum discretione, ut, saltem partem eorum quæ Societati dederunt ei relinquunt, aut morientes testamento legent.

#### CAPUT XVII.—De modis promovendi Societatem. ●

1. In primis in hoc incumbant omnes, ut etiam in rebus parvi momenti unum semper sentiant, et saltem exteriori dicant; sic enim quantumcumque res mundi hujus turbidæ fuerint, Societas semper necessario augebitur et confirmabitur.

2. Sic omnes lucere nitantur doctrina et exemplis, ut reliqui religiosi, præsertim ii qui de clero sunt, pastores, etc., superentur, tandemque vulgus omnia a nostris tantum præstari optet; quin imo hoc palam dicatur, non requiri in pastoribus



doctrinam tantam, modo suo munere bene fungantur, consilio enim Societatem juvare posse, quæ idcirco studia summopere commendata habet.

3. Fovendi reges ac principes hac doctrina, quod fides catholica in præsentī statu persistere nequeat sine politismo, sed ad hoc magna opus discretione; hac ratione nostri grati erunt magnatibus, et ad intimiora consilia adhibebuntur.

4. Foveri poterunt novis lectissimis et certissimis undequaque transcriptis.

5. Neque parum conferet si magnatum et principum dissensiones caute ac secreto nutriantur, etiam cum mutua virium infractione. Quod si animadverteretur verisimiliter conciliandos, Societas quamprimum illos pacificare contendet, ne aliunde præveniatur.

6. Ingeneranda omnibus modis, præsertim vulgo et magnatibus, opinio de Societatis erectione per singularem Providentiam divinam, juxta prophetias Joachimi abbatis, ad hoc ut Ecclesia depressa ab hæreticis elevetur.

7. Tum magnatum et episcoporum gratia obtenta, occupandi pastoratus et canonicatus, ad reformationem cleri exactiorem, qui olim sub certa regula cum episcopis suis videbant, et ad perfectionem tendebant; ac tandem ad abbatias et prælaturas aspirandum quas attenta ignavia ac stupiditate monachorum, ubi vacaverint, non erit difficile assequi; etenim ex re [Ecclesiæ omnino foret, si omnes episcopatus a Societate tenerentur, imo sedes apostolica possideretur; præsertim si Pontifex bonorum omnium princeps temporalis fieret, quare omni ratione temporalia Societatis, prudenter tamen et secreto paulatim extendenda, neque dubium quin tunc aurea sæcula et pax continua ac universalis et consequenter benedictio divina Ecclesiam comitaretur.

8. Quod si spes non affulgeat ad hæc perveniendi, cum equidem necesse sit ut veniant scandala, pro tempore invertendus erit status politicus, et incitandi principes nostris familiariter utentes ad bella mutua et importuna; ut sic ubique Societas impleretur ac impendatur reconciliationi publicæ, ut communis boni auctrix, et primariis beneficiis et dignitatibus ecclesiasticis compensetur.

9. Denique hoc saltem conabitur Societas efficere, acquisita principum gratia et auctoritate, ut ab iis a quibus non amatur, saltem timeatur."

FINIS.

The preceding document is now presented to English readers in its entirety, in the original Latin. It was necessary to show that the so-called "Secret Oath of the Jesuits," a comparatively modern pious fraud and forgery that has been *smuggled* into the most recent English version of the *Monita Secreta* published by Seeley, wherein Mr. Bonsall discovered it, has no place and not even a reference made to it in the original Latin version of the forgery concocted upwards of two hundred years ago. The following article of some research on the subject of this egregious "pious fraud" designated *Monita Secreta Societatis Jesu*, was published by the author of this Historical Notice of Penal Laws against Roman Catholics, &c. in the Dublin Review, No. C. for August, 1861, headed: "*Secret Instructions of the Jesuits—correspondence between Dr. R. R. Madden and Charles Dickens, Esq. relative to an article published in 'All the Year Round,' No. 117, July 20, 1861, entitled Secret Instructions of the Jesuits.*"

"We no sooner answer one of their satires but they have half-a-dozen more ready to be published. They keep magazines full of them; they have them remitted from all parts of the world. Those that were refuted a hundred years ago, on which the world laughed as though they were not refuted they revive again at present, with the same confidence as if they were new pieces or had remained unanswered."\*

In the article headed "Secret instructions of the Jesuits," published in Mr. Dickens' periodical above referred to, of the 20th of July last, the following passages occur:—

"A copy (of the *Monita Secreta Societatis Jesu*) of which recent reprint in Paris three editions in Paris have been sold in ten days, and the fourth is already out dressed in red and black (the garb of a melo-dramatic demon,) with the Latin original and a French translation on opposite pages, is now lying on the writer's table..."

"If the deed (of republication) has been done with Imperial connivance, it can hardly have obtained Jesuitical per-

\* Tellier, in reference to the charge of neglecting to answer habitual calumniators.

mission. On the contrary, there is a loud ultramontane shout denying the authenticity of the document; but to dissipate all doubts on the subject, it suffices to turn to history, and compare the conduct of the Society of Jesus with the secret instructions now divulged to the world. This is not the first time they have been brought to light; but every time the Society has contrived to secure the copies, and put them out of sight, as soon as the first excitement of publicity had passed away. The Superiors of the Jesuits are ordered to retain and to hold these private instructions, with great care, in their own hands, and to communicate them only to a few of the professed; some of the instructions may be imparted to non-professed persons, when advantage to the Society is likely to follow; but it must be done under the seal of secrecy, and not as if they were written rules, but merely suggestions drawn from the actual experience of the person who gives the advice.

... ..  
 "Special care is ordered to be taken that these admonitions fall not into the hands of strangers, who might put upon them an unfavourable construction, through envy of the Order. Should such happen (*quod absit!*—far be it from us!) it must be stoutly denied that these are the real sentiments of the Society, confirming the assertion by calling to witness such members as remain still in ignorance, and by opposing to these the general instructions and the printed or the written rules."

.. ..  
 "The place of confessor is, with all Catholic princes a sort of ministerial office more or less powerful, according to the age, the passions, the temper, and the intelligence of the penitent.

"Pere Lachaise held this post for a long period, and obtained for his Society great consideration. Supple, polite, adroit, with a cultivated mind, gentle manners, and an even temper, he knew how to alarm or to soothe his penitent's conscience according to occasion, and never lost sight of his own interests nor of those of his Company. A masked opponent of all opposite parties, he spoke of them with moderation, and even praised some few individuals belonging to them. A few days before his death, he said to the king, 'Sire, I entreat you to do me the favour to choose my successor out of our Company. It is extremely attached to your majesty; but it is very wide-spread, very numerous, and composed of very different characters, who are all very susceptible touching the glory of the corporation. No one could answer for it

if it fell into disgrace; and a fatal blow is soon struck.' The king was so surprised at this address, that he mentioned it to Marechal, his head surgeon, who spoke of it to other intimate friends. A fatal blow is easily struck, in more than one way. Pope Clement XIV. issued in 1774, a bull abolishing the Society of Jesuits and was poisoned very shortly afterwards.

"Apropos to which policy we will dip into the second chapter of the instructions: 'How the Fathers of the Society are to acquire and keep the intimacy of princes, great men, and persons of the highest consideration.'

"Above all things every effort must be made to gain the ear and the mind of princes and persons of the first quality everywhere, in order that no one may dare to rise up against us, but, on the contrary, may be compelled to depend upon us. But, as experience teaches that princes and great men are particularly well affected towards ecclesiastics, who conceal their odious acts and put a favourable interpretation upon them—such as their marriages within the prohibited degrees of kindred and the like—they are to be spurred on in such and similar conduct, under the hope of obtaining through our agency such dispensations from the Pope, which his holiness will grant, reasons being given and precedents quoted, and arguments adduced, having for their pretext the common good and the greater glory of God, which is the object of the Society. ... ..

"The wives of princes are most easily to be gained through their *femmes de chambre*, for which purpose they are to be made much of by every possible means, for thus we shall obtain access to every circumstance, even the most secret, which occurs in the family." ... ..

"How to gain rich widows for the Society," furnishes a chapter of considerable interest. For this purpose must be selected Fathers advanced in age, of a lively complexion and agreeable conversation. Let them visit these widows, and as soon as they perceive in them any liking for the Society, let them place at their disposal the good offices and the spiritual merits of the Society. If they accept, and begin to visit our churches, let them be provided with a confessor, by whom they may be well directed, with the intention of keeping them in their widowhood by enumerating and lauding its advantages and pleasures. He may promise and answer for their certainly thus obtaining eternal bliss and avoiding the pains of purgatory. ... ..

"Women who complain of their husband's vices and the sorrow they cause them, may be taught that they may secretly take any sum of money needful to expiate their husband's sins and purchase their pardon.

"From these specimens, 'The choice of young people to be admitted into the Society and the mode of retaining them,' 'How to behave to nuns and devotees,' and other equally racy chapters may be imagined to a certain extent.'"

On July the 27th, 1861, Dr. Madden addressed a letter to Mr. Dickens, which was forwarded to him and left at his residence by a literary friend in London. A carefully written statement accompanied that letter, in refutation of the authenticity of the publication intitled "Secret Instructions of the Jesuits," which had been dealt with as a genuine trustworthy production in the periodical conducted by Mr. Dickens. In that statement, drawn up upwards of nine years ago, by Dr. Madden, on the occasion of another reprint of the same fraudulent production, Dr. Madden showed from eminent historical writers, critics, and men of learning too, of high character, that the "*Monita Secreta*," or so-called "Secret Instructions," of the Jesuits was a spurious production, a literary or rather a polemical imposture that had been fabricated with the design of defaming and discrediting the Order of the Jesuits, and had been frequently republished during the past two centuries with the same malignant intention.

Dr. Madden therefore called on Mr. Dickens to give insertion to that statement and the letter that accompanied it in the same periodical in which the calumnious article had appeared, in justice to those who had been outraged by it.

Unfortunately the only copy of that letter that was in the hands of Dr. Madden was sent to a gentleman connected with the press by whom it has been mislaid. The following, however, is the substance of it.

Dr. Madden was quite sure that the very objectionable article published in Mr. Dickens' periodical of "*All the Year Round*," of the 20th July, had been inserted therein without his knowledge or assent. It was replete with calumnies involving charges of murder, swindling, falsehood, treason, and hypocrisy: not against one man or several men, but against an entire community of men professing to be ministers of religion and members of a Christian institution.

In more than one of the works of Mr. Dickens, the baseness, meanness, and cowardice of calumny were depicted in strong colours. It would be needless to point out to him the inconsistency of men calling themselves Christians who, in their ruthless enmity to persons who are not of their creed, cast aside all feelings of regard for their fellow men, all sentiments of piety and charity, all sense of justice in regard to them, and utterly forgetful of the obligations they owe to the claims of humanity, to mangle the characters of their brethren who differ with them in religion, outrage all laws, divine and human, and despise their own flesh.

It would be needless to observe to Mr. Dickens that calumny was a vile weapon, and was generally found in the hands only of malignant, unmanly, reckless, and vindictive persons.

It would also be unnecessary to observe to Mr. Dickens that the crime of calumny, whether it was committed against the exalted and popular or those who were not in either category, was the same outrage on morals, and that it did not matter whether the person calumniated was a Jesuit, or the Archbishop of Canterbury, or the Prince Consort. The character of a Jesuit was as dear to him as that of either of those exalted personages. And if he was slandered the same justice would be due to him at the hands of those by whom he had been wronged, that the most illustrious personages in the land, if similarly wronged, would be entitled to.

On these grounds Dr. Madden called on Mr. Dickens to give insertion in his journal to the present communication and to the following statement in refutation of the authenticity of the "Monita Secreta," which Dr. Madden had published in the "Catholic Guardian," June 12th, 1852.

#### PIOUS FRAUDS AND FORGERIES ON THE JESUITS.

A treatise is now in large circulation in this city, and in all the principal towns in England, ascribing to the Society of Jesus, and the religion they profess and defend, all the atrocious crimes which can be conceived or committed, including in the frightful catalogue of enormities, murder, robbery, perjury, prevarication, sacrilege, cupidity, hypocrisy, and impiety in all its forms, a devotion, in a few words, of all the powers of the mind, all the feelings of the heart, all the influ-

ences and aspirations of the soul of man to the service of the satanic spirit of lies, lust, avarice, and ambition!

This terrible impeachment is made on the alleged evidence of a code of instructions framed by the Jesuits, for the religious government and regulation of the order of which Loyola was the founder, and which necessarily makes him an accessory to and an accomplice of murderous men who devised most iniquitous schemes and measures.

The work we have referred to is a new edition, and English version of a Latin work that made its first appearance in print in 1612. It was stated to have been discovered in Germany, and purported to be secret instructions of the Jesuits for the use of the members of their order. It was first translated into English, and published by Compton, "the acute and learned Bishop of London," in 1669, and having been again "done into English" recently in London, is now being circulated most extensively. This last edition has completed a stock of slander for circulation among the saints of the United Kingdom, of twenty-nine thousand copies. The former edition in 12mo., with the Latin on one side and the English on the other, entitled "*Secreta monita Societatis Jesu*," was published in London, by Seeley in 1824.

The slanderous book that so scandalously maligns a great body of the clergy of the Roman Catholic religion, and that has been so unscrupulously adopted and circulated by the ministers of another church, is thus entitled:—

"The Secret Oath, and a fresh translation of the Secret Instructions of the Order of the Jesuits. With a slight sketch of the Society and its principles, *from their own accredited standard works*, their actions on the testimony of Roman Catholic authorities, and their strenuous exertions at this moment to overturn every constituted authority throughout the empire of Great Britain, to establish their own sovereignty." &c. &c.

"Beware of false prophets, who come to you in sheep's clothing but inwardly they are raving wolves." Matt. vii. 15. Twenty-ninth thousand. Seeley and Co., Fleet-street London. 1848."

The introduction commences with the following paragraph:—

"As the members of this Society are now *unsuspectedly*, (by the great body of the people of this country) working themselves into all our institutions in Church and State, throughout the Empire of Great Britain, it seems important to set forth, in a form for extensive circulation, who and what the Jesuits are, by a plain statement of *facts*, to accompany the disclosures of their *real* training, as laid down in their standard works, *secret* instructions and *secret* oath, that the public being in possession of the *truth*, may as they value their civil and religious privileges set themselves to oppose and expose the *stealthy* progress of the fearful order, in the *treacherous* and *deceitful* operations, it is now carrying out for the destruction of this country."

A little further on we are informed :—

"The assassinations brought home to this body are innumerable—they have a secret form for *consecrating* individuals for *assassination*, (see the ceremony in Dalton's work) after which the assassin is not allowed out of sight of four Jesuits until the deed is perpetrated. All efforts of our authorities to trace assassins must continue ineffectual so long as Jesuit Colleges are tolerated in the country. Their indirect influence accomplishes the dark deed, while they escape detection. They assassinated Henry IV. of France, after fifty plots : Innocent XIII: the Prince of Orange. They formed numerous plans to destroy Elizabeth of England—amongst them 'a poisoned chair.' All these facts *prove* the carrying out into action the following principles laid down in the Jesuits' *acknowledged accredited defended standard works*."

Towards the conclusion the loyalty of all subjects having Protestant souls to be saved in these kingdoms is seasonably alarmed by the following blast of the No-Popery trumpet :—

"Is it to be expected that Queen Victoria will long be permitted to wield the sceptre of Great Britain, if this body is allowed to exercise its *secret* influence as it is now doing for the *annihilation* of all that is valuable in the British Constitution, both in Church and State? We ask again what can any rational man expect from the toleration of a society, trained up in the system developed in these and the following small portion of the extracts which might be given if space permitted?"



Then comes the final mysterious note of preparation for the great revelation of the mystery of all iniquity. "In imitation of the Oracular voice of the obscure Sphinx," some dread notes of admonition and solemn warning are given:—

"We will now," quoth the editor, "give their secret oath and secret instruction, guarding the reader against any denial of the Jesuits on the subject of either—words against facts are not worthy of a passing thought: they were found in several of the Colleges from which they were expelled, and are to be seen in MS. at the end of the work published in Venice in 1596, now in the Library of the British Museum. But their conduct as delineated by the Roman Catholics themselves, is the most conclusive evidence to the positive fact that they act upon exactly such instructions."

Then follows an extract from the Secret Oath which every member of the Order of Jesuits, it is alleged, is obliged to take in the most solemn manner:—

"I do renounce and disown any allegiance as due to any heretical king, prince, or state, named Protestants, or obedience to any of their inferior magistrates or officers. I do further declare the doctrine of the Church of England, of the Calvinists, Huguenots, and of other of the name of Protestants, to be damnable, and they themselves are damned, and to be damned, that will not forsake the same. I do further declare that I will help, assist, and advise all or any of his Holiness' agents in any place wherever I shall be, in England, Scotland or Ireland, or in any other territory or kingdom I shall come to, and do my utmost to extirpate the heretical Protestant doctrine and to destroy all their pretended powers, regal or otherwise. I do further promise and declare that I am dispensed with to assume any heretical religion for the propagation of Mother Church's interest.".....

The amiable editor of the secret oath and instructions of the Jesuits, shocked as he evidently is at this awful aspect of Jesuitism here so reluctantly shown forth by him in its true colours, in the innocence of his guileless nature, asks, "Can any thing be more appalling?"

The Secret Oath being disposed of, "the Secret Instructions of the Jesuits" are then given to the Protestant public, and these are contained in seventeen chapters of densely

rinted matter, more iniquitous in its nature than any that is perverted ingenuity of man ever put together before or since the fabrication of these so called instructions.

It is to be borne in mind that the history of the discovery of these marvellous arcana is thus given by the editor of the 1st English version, in an extract taken from the French edition of the work.

“ This little collection was formerly known under the name of the ‘ Monita Secreta,’ and certainly amongst the multitude of writings brought to light through the quarrels of the Jesuits, none surpass this in curiosity. All their mysteries are here developed, it’s an exact representation of the moral and political working of all past or existing usurpations—it’s a little ultramontanic encyclopedia, and there is nothing so perfect beside it, except ‘ the Prince’ of Machiavelli. It was found in the Jesuits’ College, in Paderborn in Westphalia, when Christian, Duke of Brunswick, took possession of that place.”

Now the persons who published and republished, and who circulated this work, cannot possibly be ignorant of its being spurious, and having been fabricated for malicious purposes, and could never have believed in its authenticity, had they made any critical enquiry into the origin of it, or had even given any commonly careful attention to the perusal of it.

The majority of the readers of our fashionable No-Popery productions, in charity it is to be hoped, are incapable of examining a work of this kind, with the critical acumen that is requisite for a due understanding of it. They are accustomed to be thought for by others, and are unused, unable, and disinclined to think for themselves on any subject relating to Rome and Romanism, terms which are synonymes with them for superstition and debasement of the soul and understanding. Otherwise, surely before they gave implicit faith to the account of the alleged discovery of this iniquitous production, they would have enquired into the question of its authenticity.

It would be useless to refer them to the pages of the astute Bayle, the enemy of the Jesuit Order, but also a critic, with some sense of the obligations of truth and justice, for information respecting the origin of such a work as “ La Religion des Jesuits,” or its counterpart, “ Secret instructions of the Jesuits.” It would be useless of course to expect of them, that before they received a book as genuine, most detrimental to

the character and principles of thousands of members of a Christian community. they would have enquired into its authenticity of authorities capable of affording them just information. But those who re-edited and re-published this work were mostly ministers of the Gospel, who ought to have consulted the duly authorized and legitimate defenders of the impugned Order; they should have referred to the "*Histoire Religieuse Politique Littéraire, de la Compagnie de Jésus, composée sur les documens inédites et authentiques,*" Par J. Creteineau Joly. En 5 Tomes 8vo. Paris, 1815." There, in the first volume, page 84, they would read :—

"The Constitutions of Loyola are such as were left by him at his death. We ourselves have compared them with the Spanish text at the principal house of the Jesu at Rome. They have been composed at different intervals, and addressed in manuscript to the first members of the company for approval and promulgation. Some of them, it is true, seem to an inattentive observer to have been detached in the process of editing, but on reflection they will be found to have been framed in the same intelligence. This is the only legislation given by Loyola, and it is in force everywhere amongst the Order. *As for concealed instructions,—secret monitions* which, according to the enemies of the Order, should regulate their mode of life, or teach them the means of governing the world—there was never anything of the kind in the Society of Jesus. The company only knew them as the world did, when they were invented and sent forth on their wicked errands (*lors q'elles furent inventées et jetées a la malignité publique.*")

In the third volume of Bayle's Critical Dictionary, 2nd edition, art. Loyola, page 891, they would find these words:

"The fate of the Jesuits and that of Cataline are much the same. Several accusations were given in against him without any proof, but they met with credit on this general argument :—Since he has done such a thing, he is very capable of having done this, and it is very possible he has done the rest."

Bayle goes on commenting on a work published at the Hague in his day, entitled, "The Religion of the Jesuits."

"The author," he says, "confesses that the prejudice against those gentlemen is so general, that whatever attestations of innocence they fortify themselves with, it is impossible to

undecieve the world." This anti-jesuit author gives many singular proofs of the truth of his allegation, and in regard to them Bayle observes :

"He means that a man need only confidently publish whatever he pleases against the Jesuits, to be assured that abundance of people will believe it. I believe him to be in the right; at least that in this he will prove a true prophet. It was doubtless on this presumption that he published the story of Vienna, (of a Jesuit conspiracy to poison the Emperor of Germany in the Blessed Sacrament,) though he believed it false. But if other authors have taken the same method, what will become of all the facts which the enemies of the Jesuits have published?"....."Should we not have reason to believe that they have divulged several which they knew to be false or doubtful, and which, nevertheless on their reckoning would appear as certain, and be received as undoubtful facts? I cannot think the rules of morality will allow of the making so ill a use of public prejudice. They command us to be equitable towards all, and never represent people worse than they are."—Bayle. *Art. on Loyola*, p. 892. *Des Maiszeaux's 2nd Ed.* 1736.

In a very rare work in our possession, entitled "*Fasti Societatis Jesu, Res et Personas Memorabiles Ejusdem Societatis opera et studio Rev. P. Joannis Drews*," (Praga 1750. Tom. I. p. 167.) among the memorable occurrences of year 1616 we find a record of the condemnation by the Sacred Congregation of the Index, of the book entitled "*Monita Privata Societatis Jesu*." "anno 1616 a S. Congregatione Indicis prohibitus est liber, cui titulus *Monita Privata Societatis Jesu*."

In 1848, a tract in Italian was published in Palermo, entitled, "*Difesa della Compagnia de Jesu contro Antichi e Recenti Calomnie. Per Gulielmo Turner Della Medesima Compagnia*." At page 64 the author gives the history of this calumny of the "*Istruzioni Segreti*." Some manuscript copies of this work began, (he says) to be disseminated in 1611, and from some internal evidence it was supposed the author of this imposture was a Pole. The first printed copy of it appeared in Cracow, in 1612, and the account given of its origin was that the MS. was procured in Venice, had been brought there from Padua, and had been faithfully translated from the Spanish, which statement was generally disbelieved. "*La qual favola non fu creduta de nessuno*."

It was condemned in 1615, at Cracow as an infamous

and calumnious forgery, by the Bishop of Cracow, Monsignor Tylicki, who was desirous of instituting legal proceedings against the author, who was suspected to be a certain Jerome Tzaorowski, a member of the company of Jesus, who, in 1611 had been turned out of the society for turbulent conduct. But it appears that the fact could not be proved, and there were persons who attributed the work to a Bohemian Heretic, others to Osiander. In the "*Dizionario degli anonimi e dei Pseudonimi*," tom. 3, the author Barbier, no great admirer of the Jesuits, acknowledges that the "*Monita Secreta*" is an apocryphal book.

In fact it is utterly impossible to read any of several refutations, old and new, of the authenticity of this infamous work, without being fully convinced that it was a literary imposture devised and executed by the enemies of the Jesuits to calumniate and discredit them.

Finally, it was condemned at Rome by the Sacred Congregation, and the decree of its condemnation is dated 10th May, 1616, as "falsely attributed to the Jesuits, calumnious and full of defamations," and therefore it was placed on the Index, as a forbidden book "*Difesa della Compagnia*," p. 64.

About the same time this infamous book was proved to be a forgery by several Catholic writers, Jesuits, and others, as Adam Tanner (Matthew Bembo) and the Jesuit Gretser, by orders of the general of the Order, Aquaviva. Nevertheless, though nothing was wanting to the proofs of the utter falsehood of the charge against the Jesuits as being the authors of this work, various editions of it appeared in Protestant countries, and it continued to be read by Protestants as a genuine Jesuit performance. It was most clearly proved that the alleged original discovery of this work in MS. in the Jesuit College of Paderborn in Westphalia by the Duke Christian of Brunswick, when he sacked the said College, could not have been true, inasmuch as the said sacking took place in 1622, and the book was printed at Cracow ten years previously, and had been condemned at Rome so early as 1616, six years before this "original discovery" of the work by the Duke of Brunswick.

It must be borne in mind that this foul calumny on the Jesuit Order, published in Mr. Dickens' periodical, would have been comparatively innocuous if the writer of it had not at the very commencement of the article taken on himself the task of vindicating the authenticity of this book, and imputing the

conduct of the Jesuit Society to the principles proclaimed in the Secret Instructions. The following passage fully supports this grave charge:—

“There is a loud ultramontane shout denying the authenticity of the document ; but to dissipate all doubts on the subject, it suffices to turn to history, and compare the conduct of the Society of Jesus with the secret instructions now divulged to the world. This is not the first time they have been brought to light ; but every time the Society has contrived to secure the copies, and put them out of sight, as soon as the first excitement of publicity had passed away.”

In reply to Dr. Madden's communication to Mr. Dickens of the 27th of July, the following answer was received, in regard to which it is unnecessary to do more than to express feelings of deep concern for the injury Mr. Dickens has inflicted on his journal and on himself.

(Copy.)

“Office of ‘All the Year Round,’  
11, Wellington-Street, N. Strand,  
29th July, 1861.

“Sir, — In answer to your letter of the 27th inst. addressed to Mr. Charles Dickens I beg to point out to you that we gave the origin, mode of publication, and reproduction of the ‘*Monita Secreta*,’ in full detail, in order that our readers may judge of the authenticity of the translation for themselves. Nothing in your letter invalidates our statements, and as for these alone we are responsible, we think it better not to open a troublesome controversy by publishing your letter ; necessarily the consequence of such a revelation appearing in any form, would be strong contradictions of its truthfulness from the Jesuit party.

“Believe me,

“Faithfully yours,

W. H. WELLS.

(Signed)

To R. R. Madden, Esq.”

To the above communication no reply was made.

What opinion can any just man form of such acts as those of Mr. Bonsall in bringing forward documents bearing on the face of them the evident stamp of fraud and falsehood, documents gravely affecting the charac-

ters of ~~several~~<sup>some</sup> thousands of ministers of religion, the members en masse of an entire religious community, charging them with misprision of high treason, with conniving at murder, immorality, and injustice, after reading those documents and observations on them which I have laid before my readers?

Mr. Bonsall's conduct in the Dublin Corporation, and his calumnious publications in a Dublin newspaper, has been dealt with in the corporation and in the press a great deal too leniently. "The worthy alderman's sincerity and good nature," we are informed, are not doubted in the slightest degree; it is only to be lamented he believes things that are injurious to those whose religious opinions and professions he dislikes too easily.

Sometimes we hear of persons who are particularly goodnatured but peculiarly unfortunate—who are "nobody's enemies but their own." At other times we have to listen to accounts of persons who are "very reprehensible in many things, but much to be commended in a few." It is a difficult matter to strike averages when the quantities and quality of things to be dealt with are very dissimilar. What average are we to strike when a man's character is set before us whose conduct in the company of one class of persons is excellent, nay, admirable, but in that of a different description of persons is by no means *comme il faut*? We sometimes are informed Mr. A. is by no means a scrupulous talker, a conscientious charitable censor of conduct and character, and when he goes abroad, and is found in public assemblies, "his only gift is devising impossible slanders."

But then "there is some soul of goodness in this evil, would men observingly distil it out;" his slanders were only against persons who presumed to worship God in a different way to that in which he does, more happily inspired by the divine wisdom, that descends like the dews of heaven on a thirsty soul in the wilderness of sin, or on an arid soil in Church Lane polemics.

Or again, when we are informed Mr. B—— is an angel of light so long as he can be persuaded to remain in peace “in the bosom of his family,” what are we to think and say when we find him at his old work in the bosom of society at large?

We must speak poetically:—

“The *angel's* still there, but *his brightness* is gone.”

We are called on occasionally to do much that is difficult, and not a little that is impossible. Our faith has been reviled, our clergy have been slandered, but we are requested to pay no attention to the vituperation and the calumnies because the man who maligns our religion and its members is a most amiable person, “one who would not hurt the feelings of a fly,” or even those of a Romanist, if he could conscientiously avoid it. But then his sense of duty calls on him to make observations and statements that are painfully severe and galling to Romanists, when he comes forth spiritually invigorated, primed and loaded for a discharge of his revolvers at the head of any antagonist he may encounter. Those Latter Day Saints can be “as slanderous as Satan,” when they are bent on making a display of their piety and satirical poetry: “their gall coins slander like a mint.” Ah, how different is it with those amiable men in the domestic circle, who are so renowned for doing *Pater familias, frater amabilis, amicus charissimus, conjux prudens et placidus* in their homes?

They no longer “stifle in their own report and smell of slander.” Ah! why do they go to those detestable public meetings? They become metamorphosed in them. There “they are nothing if not satirical.” How consoling, however, is it to find when they lay about them with their cudgels of slander, it is entirely from motives of Christian charity they do not leave even a shred of a rag of character to any religion or ministers of one except their own. How gratifying is it to find when they are thus terrible in public, at their own fire-side



each of them, Mr. B. or Mr. C. with the wife of his bosom on one side of him, and the little pledges of mutual affection on the other, it is quite in vain to try to seduce into slanderous assaults on his fellow citizens, however benighted they may be in their religious opinions. Oh no! he never mentions the "*Monita Secreta*" in the bosom of his family. It is only when he emerges from it he falls foul of Jesuits, swearers of secret oaths, corrupters of morals, agents of satan, &c. &c. &c.

Whenever we hear eulogies of the domestic virtues of aggressive fanatics and active bigots never quiet or at peace with themselves or their fellow Christians, we may say with the poor inconsolable shoeblack who was about to be hanged, and was reminded by a celebrated Jesuit of the joys of heaven, "It's all mighty fine, Father Austin."

So may we say when we are reminded of the amiable character of the slanderer of our creed and clergy, when for example now and then one of them somewhat ambitious of notoriety, undertakes to discredit an entire community, rushes into print and publishes a long catalogue of secret crimes, including "the seven deadly sins," of the order of the Society of Jesus. But he runs back as soon as possible into "the bosom of his family," and when we hear of him next, his friends and ours, anticipating our anxious desires to be informed of his state of mind, conscience, and social enjoyment, give us to understand he is flourishing in private life, cultivating the social virtues, exulting in the consciousness of his own worth, with all his household gods around him. Alas, his friends of Church Lane are indiscreet; they tell him the public are anxiously waiting for him at the Royal Exchange, to learn what his opinion is of the Jesuits in general, and the *Monita Secreta* in particular: and forthwith the man of men the most amiable, who was in "the bosom of his family" an example, a model, and a pattern for all chiefs of the domestic circle, is transformed into an angry polemical disputant, fiercely denouncing en masse

ire community of a religious order, slandering  
fully, and unscrupulously defaming a consider-  
mber of gentlemen who have not the honour of  
known to him, of being of his Church, of his  
or within the pale of his little Goshen of exclu-  
sivity and loyalty, within which all is light and  
and without, in the estimation of a short-sighted  
minded sectarianism, nothing but darkness and  
prevail.

1812, a man of some notoriety in his day, Peter  
y, on his liberation from Lincoln Castle, in which  
confinement he had been imprisoned for taking  
parties in print with Lord Castlereagh's humanity,  
, and calling in question the truth of certain  
ments of his lordship in relation to his conduct in  
x, said at a banquet given to him on his libera-  
it had been stated on his trial, that Lord Castle-  
as a particularly mild, amiable, and worthy gen-  
in private life. And so in all probability were  
f the most unscrupulous men of former times,  
memories are now held entitled to no respect from  
ho think justice, charity, and truth are virtues to  
ured and maintained."

might imagine Peter Finnerty had a spice of the  
the composition of his political character, and  
was peering into futurity, into the *res gestæ* of a  
corporation, when upwards of half a century ago  
dealing *more suo* with the good natured, kind-  
, guileless gentlemen, in the bosom of their  
, who, when they stepped into politics or polemics  
e the very reverse of good-natured, kind-hearted,  
ly-disposed, Christian-minded, just, and amiable

at did it matter to him," he said, (when some of  
cipal members of the Irish administration, in  
r of the Irish Reign of Terror, had injured his  
r and thereby ruined his prospects,) "that the  
aghs, Clares, Cooks, and Berresford, were worthy  
en of great urbanity and blandness of manners  
te life?"

We all know, no doubt, that old Lambro, Don Juan's friend, notwithstanding some little escapades of his of an unpleasant kind, was "as mild a man as ever cut a throat." Alderman Bonsall, notwithstanding he published in a newspaper, and got recorded in the proceedings of the Corporation of Dublin, a document, as one of an authentic character, purporting to be an oath taken by the members of a religious order of a Church which was not his, ascribing to those members of a Christian creed comprising in its believers the great majority of the Christians of the habitable globe, making acts of an atrocious kind obligatory on those who took it, that oath involving crimes against God and man of the highest turpitude—crimes of a murderous, seditious, immoral, perfidious nature—his impugnors in the corporation were considerate enough to assure the public, was a most amiable gentleman, a highly honourable, kindly disposed, and well-intentioned person.

Mr. Bonsall's benevolence in "the bosom of his family" was everything that could be desired. But it evaporated wholly when it was expected to extend to Roman Catholic gentlemen who were members of a religious order, the name of which was offensive to his religious feelings. He had no charity to bestow on them. He fastened principles and practices on them which he averred they were sworn to act on, to carry into effect that involved the commission of the most atrocious crimes.

Mr. Bonsall was called on to state the title of the book in which this terrible secret oath of the Jesuits had been discovered by him. He was called on to state where the book in which he found it was printed. He was requested to give the date of publication. Mr. Bonsall equivocated—he would give no particulars—he was urged over and over to give them—he became embarrassed—he said something about America and a secret oath, and a bookseller in the United States. But not one word did he say of the fabricated production called the *Monita Secreta*, published in England in 1848, in which that forgery, designated "the Secret Oath of the Jesuits," was to be found. Mr. Bonsall

new well the character of that production had been impeached, and that it was not convenient to refer to as authority. I will not say Mr. Bonsall was aware at not one syllable of that "secret oath of the Jesuits" was to be found in the original Latin text of the *Monita Secreta*. That would be to ascribe an amount of literary acumen to that most amiable gentleman, which he certainly has no pretensions to. But he was perfectly aware that he brought horrible charges against a great body of men professing to be ministers of the Christian religion, on the authority of a work which he was ashamed to acknowledge, and afraid to produce or to designate. What does Mr. Bonsall's inability matter to the hundreds of members of that community he has traduced?

What does it avail in the estimate that all impartial persons must form of his conduct?

Have men two consciences, two characters, two rules of action, by which their conduct must be judged? Are there two standards of morals by which the measure of his is to be ascertained? A vindicator of the Jesuits from the foul charges of "the worthy alderman," of sanctioning, encouraging, and conniving at regicide and other kinds of murder, has recently published an able letter in the "Dublin Evening Post," on the subject of these charges, signed R. Belaney, which is here presented to my readers, as it treats of one phase of the question at issue between "the worthy alderman," and not only the Jesuits, but the Roman Catholic inhabitants of the kingdom at large, which I have not dealt with.

## OATHS AND JESUITS.

### TO THE EDITOR OF THE DAILY EVENING POST.

Sir—At a public meeting of the Corporation of Dublin, some time ago, a member of that body declared that an oath, sanctioning regicide and murder, was, under certain circumstances, allowed in the Catholic Church. He produced, and

insisted upon reading, "a form" of that oath, as taken by the Jesuits, which had come into his hands, he said, and could be proved genuine. Men of all opinions, civil and religious, were staggered and disconcerted by the recital of such an oath, and the charge which it made upon the good Jesuits of Dublin, who have the respect of all men who know them, either in their lives or in their teaching. Sir John Gray, without being a Catholic, and the ex-Lord Mayor (Mr. M'Swiney) being one, were equally sure and positive that no such oath or doctrine ever existed, or could exist, in the Catholic Church. An application was made by Sir John Gray to Father O'Reilly, the head of the Society in Ireland, on the subject, and his reply was read at the next meeting. As was to be expected, Father O'Reilly stated that no such oath had ever been heard of by him, or any other Jesuit. This flat denial did not, however, silence Alderman Bonsall, who brought the charge; nor did it make him retract it. He would rather have a learned and respectable body of his fellow-countrymen and fellow-citizens, whose lives are devoted to uphold the religion of the Irish nation, and to the education of Irish youth, accused of holding diabolical principles, than allow he might himself have been imposed upon, as no doubt he was, by a document which some fanatical enemy of the Jesuits fabricated, some two or three centuries ago; and which, to enrage the world against them, a very common device, he palmed off, as genuine. It is not necessary now to recal what connection Mr. Bonsall meant to make out between Sir John Gray's motion, to abolish profane and blasphemous official swearing, and the Jesuits of Dublin. Catholics will all agree that he was right in saying that the Jesuits could take no oath, could teach no doctrine, which did not meet with the approbation of their Church and of their master, the Pope. Yet, so far as mere truth is concerned, it is but just to Sir John Gray to say, that the noble movement he made in the Town Council for the abolition of a debasing system of swearing, which paves the way to place and power in the State, with things which cannot be trampled upon without insult to all religion, had about as much to do with the Society of Friends, as with the Society of Jesus.

The question of importance to the world, in regard to the point affirmed by Alderman Bonsall, is not merely "do the Jesuits hold such a monstrous principle, but does the Catholic Church connive at it, or sanction it?"

the anti-Catholic press has not accepted Father O'Reilly's opinion on the subject, though to fair-minded readers it was obvious and satisfactory. Why, said some who followed Alderman Bonsall, did he not give proof?—these persons not admitting themselves that had any one charged the Jesuits with eating the Jesu, in Gardiner street, with having eaten an Orange-fifty or even five years ago, on the anniversary of the death of the Boyne, they could not have given any proof stronger than their word that they did not do so. It would be the same with the worthy Alderman himself, he would find, if any one charge him with having eaten a brace of partridges in the feather, on his twenty-first birth day. He might say, and as he likes swearing, he could swear, he did do it—that it *could not* be done—that feathers in the stomach were out of place—that they were indigestible, and so forth. But proof, positive and irrefragable, he could not give, unless he could prove, by medical testimony, that, as the Alderman, he had no stomach, or no appetite, for partridges; or that partridges did not exist in the skin in London.

For Alderman Bonsall's information, and all his friends, I am to insert in your columns what he and they are inclined to accept as *the doctrine* of the Catholic Church, as it came from the Council of Constance (held in the year 1418,) a General Council. The doctrine which Alderman Bonsall, and some others before him, have laid at the doors of the Jesuits, was taught, among others, by Jean Petit, who appears set himself up as a light to that age. He taught "it was lawful and meritorious for a vassal or subject to take away the life of a tyrant by any means in his power." The following proposition expressed his teaching:—"Quæ tyrannus potest et debet licite et meretorie occidi, per quicunque vassallum suum vel subditum, etiam velut insidias et subtiles blanditias vel adulationes, non ante quocumque præstito juramento seu confederatione cum eo non expectata sententia vel mandato judicis secumque." The condemnation of this proposition by the Council was given in the following words: "Adversus hunc rem satagens hæc sancta synodus insurgere, et ipsum litus tollere præhabita deliberatione matura declarat, ruit et diffinit hujusmodi doctrinam erroneam esse in fide et moribus, ipsamque tanquam hæreticam, scandalosam, et

ad fraudes deceptiones, perjuria vias dantem reprobat et condemnat."

Thus, the holy Synod, and through it, the holy Catholic Church, in words that cannot be mistaken or modified, "condemns and reprobates" as "*false*," "*heretical*," "*scandalous*," and "*as leading to frauds, deceptions, lies, betrayals, perjuries*," the doctrine which Alderman Bonsall believes to be the doctrine of the Jesuits and of the Catholic Church. Nor only the doctrine, but the propagators of it also, did the Council condemn:—

"Insuper declarat, decernit, et diffinit, quod pertinaciter doctrinam hanc perniciosissimam asserentes, sunt hæretici et tanquam tales juxta canonicas sanctiones puniendi." In English:—"The Council further declares and pronounces the future preachers of this most pernicious doctrine to be heretics, and, as such, amenable to be punished according to the canons of the Church." If Mr. Bonsall can make good his charge against the Jesuits of Dublin, he has a very short way of shutting up their church in Gardiner-street and banishing them from Milltown Park, as well as from every other part of Ireland. He has only to make a pilgrimage to Rome and whisper in the Pope's ear that the Jesuits of Ireland teach a doctrine which has been condemned by the Church at a General Council.

The fact is, the case is exactly the reverse of what Mr. Bonsall states. There have been men in all ages who were ready, and might think it right, to put princes, who oppressed their people, to death. Jean Petit, the author of the condemned doctrine, was evidently one of those. That his doctrine, though a doctrine approved of and acted upon by not a few, before and since, was never the doctrine of the Catholic Church, there can be no stronger proof given than a decree of the Church, or of the Pope, against it. No Catholic would require to be told this; but Mr. Bonsall and his friends may. Should it appear strange to him or them that they should have believed a lie and a calumny against the Catholic Church, they need but remind themselves that lies and calumnies against the truth and the teachers of the truth, including the Divine Author Himself, have been the order of the day from the beginning of the world, and will be to its end. I will not ask those who have heard or read Mr. Bonsall's monstrous charge against the Catholic Church to take my authority for the foregoing extracts. I beg them

to go to Trinity College Library, Dublin, and verify the words for themselves. They will find them at page 765, vol. 27 of Archbishop Mansi's Collection of Sacred Councils.— Venice, 1784. They will find the condemned proposition, above given, prominently noticed, also in the *analyse des conciles, tome second, par le R. P. Charles-Louis Richard.— A Paris*. Dr. Todd, to whose courtesy and kindness I am indebted for seeing these works myself, will be equally ready, I feel sure, to point them out to any others who may wish to examine them for their own satisfaction.—I am, Sir, yours truly,

R. BELANET.

Dublin, May 10, 1865.\*

And now, in conclusion, I have only to observe, no easy task is undertaken by any man who determines to trace a current falsehood industriously, long, and successfully circulated for a malignant purpose, of a public kind, either political or polemical, from its origin, and to track its course through all its windings and deviations from former paths. The forged "secret oath" of the Jesuits having been foisted into the English edition of 1848 of the forged *Monita Secreta* or "Secret Instructions of the Jesuits," where Alderman Bonsall discovered it, it was rendered necessary to show that no such document as "The Secret Oath of the Jesuits" formed any part of the original fabricated work in Latin, entitled the "*Monita Secreta*."

And therefore that original production was given by me in its entirety. And one thing more remains to be done to obviate the necessity of ever having again to adduce evidence or argument in proof of the two productions designated "The Secret Oath of the Jesuits," and "The Secret Instructions of the Jesuits," being forgeries concocted by impostors to impose on fools and serve the purposes of knaves. The one thing remaining to be done, is to give a list of the several editions, (or rather of some of them), of the Secret Instructions of the Jesuits: A recent work of high authority, entitled,

\* The Dublin Evening Post, May 12, 1865.



"*Bibliographie Historique, De La Compagnie de Jesus: Ou Catalogue Des Ouvrages Relatifs à l'Histoire des Jesuites Depuis leur origine Jusqu'à Nos jours.* Par Le Pere Augusto Carayon De la Meme Campagne." 4to, Paris, 1864, contains a list of all the editions of the "*Monita Secreta*," known to the author of the "*Bibliographie Historique*," of the Society of Jesus.

But as he only cites thirty-three editions, and as all these, with a few exceptions, are foreign ones, we must necessarily conclude that several editions of this spurious production, published in England and Ireland, were unknown to the editor, and have been left unnoticed by him.

The following are the editions specified by him, and the order of the notices of them.

1. *Monita Privata Societatis Jesu* ... Notobirgæ, 1613
2. *Monita Privata Societatis Jesu* ... In 16mo, an. 1662
3. *Secrete Instructien van de Paters der Soc. Jes.* Tot Meene Christoffel Waarmont ... In 12mo. 1676
4. *De Secrete Instructien van de Paters der Soc. Jes. Sententie Tegens Jean Chastel Meenen.* ... 1677
5. *Instructions Secretes Des Jesuites Suivant L'original. (Latin et Francais)* ... Amsterdam, in 8vo. 1702
6. *Idem* ... ... Cologne, in 8vo. 1704
7. *Les Intrigues Secretes Des Jesuites Traduites De—Monita Secreta* ... ... Turin, in 8vo. 1718
8. *Secreta Monita Soc. Jesu; or, The Secret Instructions of the Jesuits* ... ... London, in 18mo. 1746
9. *Idem* ... ... London, in 12mo. 1759
10. *Secreta Monita. Ou Avis Secrets De La Societé de Jesus. En Francais et Latin* Paderborn (Paris) In 12mo. 1761
11. *Monita Secreta Patrum Societatis Jesu.* Roma (Bavaria.) Typis S. C. De Propaganda Fide (sic) In 16mo. 1783
12. *Instruzioni Secrete Della Compagnia De Jesu con Aggiunte Importanti.* (No date nor place) In 16mo.
13. *Monita Secreta. Instrucoes Secretas Que Deven Guardar Todos os Religiosas Da Companhia. Auctor O Reverendissimo P. Claudio Aquaviva da mesma Companhia* Lisboa ... ... In 8vo. 1820

14. *Monita Secreta. Ou Avis Secrets De La Societè de Jesus. Nouvelle Edition avec la Texte Latin*  
In 18mo. 1824
15. *Instruction Secretes Des Jesuites. Suevies de Jesuites Condamnees. Par Siurs Maximes, et par Leurs Actions* ... Paris, in 32mo. 1825
16. *Idem* ... Paris, in 32mo. 1826
17. *Idem* ... Paris, in 32mo. 1826
18. *Idem* ... Paris, in 32mo. 1826
19. *Idem* ... Paris, in 32mo. 1826
20. *Idem* ... Paris, in 32mo. 1826
21. *Idem* ... Paris, in 32mo. 1826
22. *Idem* ... Paris, in 32mo. 1826
23. *Geheime verhaltensbefehle der Jesuiten oder Monita Secreta. Aachen* ... 1828
24. *Monita Secreta Societatis Jesu* ... Paris, 8vo. 1828
25. *Instructions Secretes des Jesuites suivies du rapport de Mons. Portalis, &c.* ... Bruxelles, 24mo. 1842
25. *Monita Secreta de los Jesuitas compuesta por el Padre Claudio Aquaviva de la Misma Compania Traduceda ed la Ed. Portuguesa de 1827* Madrid 8vo. 1845
26. *Istruzioni Secreta della Compagnia de Jesus con importanti aggiunti. Roma Topografia della Propaganda con permissione* ed. Latin et Italienne.  
In 12mo.
27. *Monitaria o Instruccoes Secretas dos Jesuitas composto pel O Padre C. Aquaviva vei (sic) da misma Compagnia* ... Rio Janeiro, 8vo. 1827
28. *Idem* ... Lisboa, 8vo. 1859
29. *Wurdigung der schrift Geheime verhaltensbefehle der Jesuitem oder—Monita Secreta Soc. Jes.*  
Aachen, 12mo. 1824
30. *Die Monita Secreta Societatis Jesu* Aachen, 12mo. 1825
31. *Monita Secreta Societatis Jesu* Paris, 8vo. 1828
32. *A. J. Binterim en Geheime voorschriften der Jesuiten (Monita Secreta Soc. Jes.)* Arnhem, 18mo. 1853
33. *Monita Secreta Societatis Jesu. Nouvelle Edition*  
Paris, 12mo. 1861



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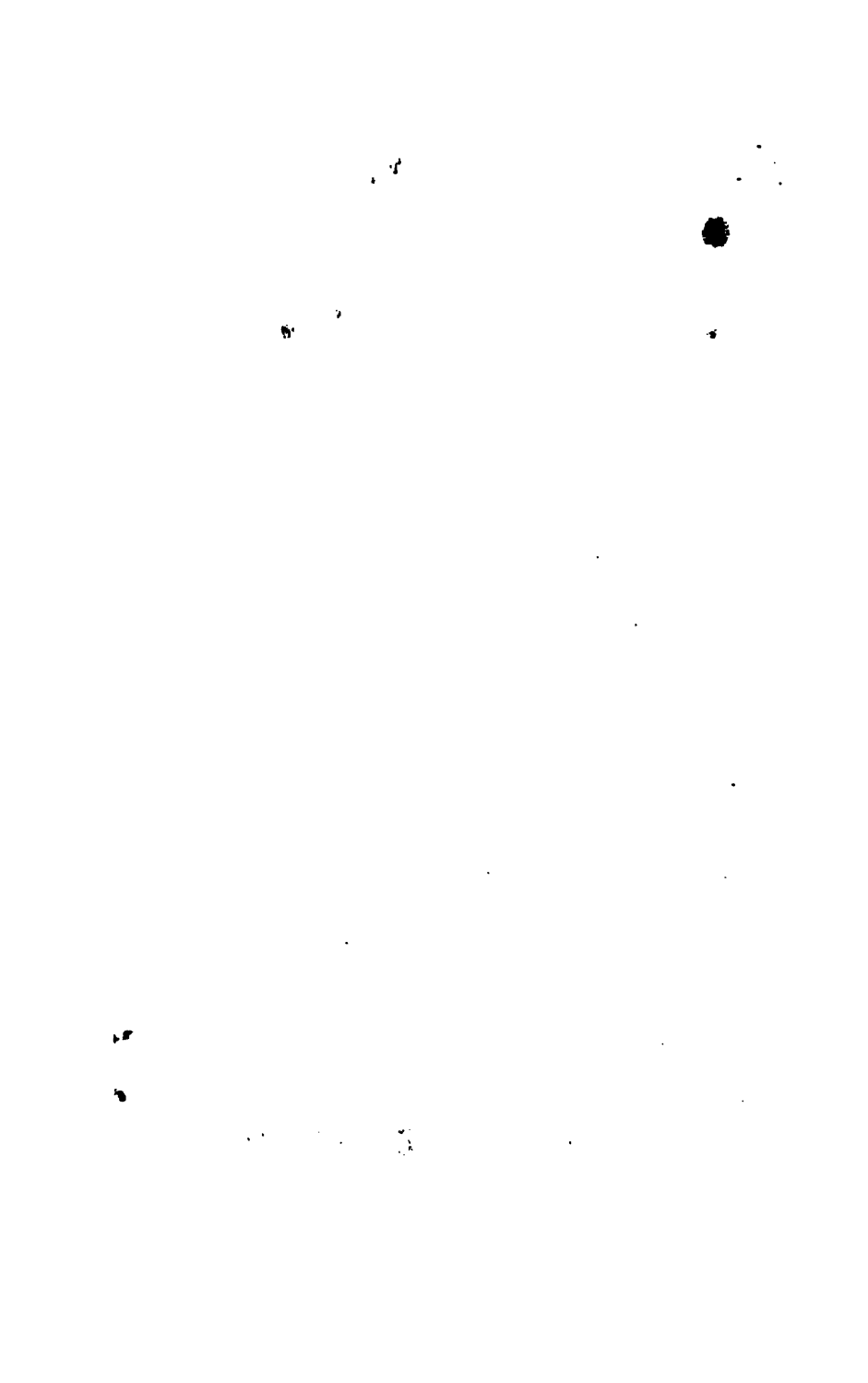
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